

**ROBERT L. GLICKSMAN**

**J.B. & MAURICE C. SHAPIRO PROFESSOR OF ENVIRONMENTAL LAW  
THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL**

The George Washington University Law School  
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***Teaching Interests***

Environmental Law, Regulation of Air and Water Pollution, Regulation of Toxic Substances and Hazardous Waste, Administrative Law, Property, Natural Resources Law

***Education***

Cornell Law School J.D., Magna Cum Laude (1977)	Ithaca, New York
Harvard University M.A., European History (1974)	Cambridge, Massachusetts
Union College A.B., Summa Cum Laude, with Distinction in History, Phi Beta Kappa (1973)	Schenectady, New York
London School of Economics (1971-72)	London, England

***Professional Honors and Awards***

Distinguished Service Award from the American Bar Association (2020-2021) for work on protecting the independence of administrative law judges

Howard M. and Susan Immel Teaching Award (awarded by a faculty committee honoring an outstanding law professor who sets an example of professionalism for his or her students), May 2007

Dean Frederick J. Moreau Faculty Award (awarded by the students of the University of Kansas School of Law to a faculty member “who, in the eyes of the students, has been particularly helpful in advising and counseling with students”), May 2006

### *Academic Awards and Activities*

Order of the Coif, Cornell Law School

Member, Board of Editors, Cornell Law Review

Horatio G. Warner Prize (for the Senior A.B. with highest scholastic standing while retaining the highest personal character) (1973)

George H. Catlin Prize (for the Senior with the highest scholastic record in liberal arts, deemed most promising for graduate study and eventual service in the field of college teaching) (1973)

Joseph D. Doty Prize (for the Junior or Senior with superior achievement in History) (1973)

Nott Scholar of Union College (Academic Honor Society) (1971)

### *Employment*

August 2009 to present	J.B. & Maurice C. Shapiro Professor of Environmental Law The George Washington University Law School Washington, D.C. 20052
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November 1995 to July 2009	Robert W. Wagstaff Professor of Law University of Kansas School of Law Lawrence, KS 66045
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August 1986 to November 1995	Professor of Law University of Kansas
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August 1982 to August 1986	Associate Professor of Law University of Kansas
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Visiting Professorships	University of Limoges, France (Feb. 2013) University of Kansas School of Law (Summer 2012) Georgetown University Law Center (Fall 2010)
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University of Trento, Italy (Spring 2007)  
Lewis & Clark Law School (Summer 2002,  
Summer 2011, Summer 2013)  
Vermont Law School (Summer 2000)  
University of Missouri-Kansas City  
(Spring 1998)  
University of Miami (Spring 1988)  
University of Arkansas,  
Fayetteville (1981-82)

January 1993 to July 1994

Consultant, Lowenstein, Sandler,  
Kohl, Fisher & Boylan (Roseland, N.J.)

August 1977 to July 1981  
June 1976 to August 1976

Attorney  
Cleary, Gottlieb, Steen & Hamilton  
Washington, D.C.

### ***Funded Research***

Co-investigator on National Science Foundation grant (beginning 9/1/15) for project comparing judicial and stakeholder perceptions of climate change science, and particularly issues concerning the causes of climate change and the causes of specific harms linked to climate change.

### ***Publications***

#### ***Books***

ADMINISTRATIVE LAW: AGENCY ACTION IN LEGAL CONTEXT (4th ed. Foundation Press 2025), ISBN # 978-1-64020-627-4 (with R. Levy & D. Adelman) (previous editions published in 2010, 2015, and 2020).

STAY AHEAD OF THE PACK, YOUR COMPREHENSIVE GUIDE TO THE UPPER LEVEL CURRICULUM (West Academic 2d ed. 2024), ISBN # 979-8-88786-383-2 (with various co-authors) (Previous edition was published in 2018).

NEPA LAW AND LITIGATION (Thomson/Reuters 2024 ed.), ISBN # 978-1-668-73926-6 (with D. Mandelker and others) (published annually).

ENVIRONMENTAL PROTECTION: LAW AND POLICY (9<sup>th</sup> ed. Aspen Pub. 2023) (2023), ISBN # 978-1-5438-5783-2 (with W. Buzbee, D. Mandelker, E. Hammond & A. Camacho) (website at <http://www.wklegaledu.com/glicksman-environmental9>) (previous editions published in 1999, 2003, 2007, 2011, 2015, and 2019).

TEACHER'S MANUAL, ADMINISTRATIVE LAW: AGENCY ACTION IN LEGAL CONTEXT (3d ed. Foundation Press) (2020), ISBN # 978-1-64020-628-1 (with R. Levy) (previous editions published in 2010 and 2015).

REORGANIZING GOVERNMENT: A FUNCTIONAL AND DIMENSIONAL FRAMEWORK (NYU Press, 2019) (with A. Camacho), ISBN # 147982676.

MODERN PUBLIC LAND LAW IN A NUTSHELL (5<sup>th</sup> ed. West Academic 2019), ISBN # 978-1-68328-357-7 ((previous editions published in 1995, 2001, 2006, and 2012).

2 ELGAR ENCYCLOPEDIA OF ENVIRONMENTAL LAW: DECISION MAKING IN ENVIRONMENTAL LAW (Edward Elgar Pub. Ltd., 2016) (R. Glicksman, L. Paddock & N. Bryner eds.), ISBN # 978 1 78347 392 2.

DEVELOPING PROFESSIONAL SKILLS IN ENVIRONMENTAL LAW (West Academic 2016), ISBN # 978-0-314-28078-7 (with S. Zellmer).

TEACHER'S MANUAL TO DEVELOPING PROFESSIONAL SKILLS IN ENVIRONMENTAL LAW (West Academic, published in July 2016), 978-1-63460-633-2 (with S. Zellmer)

TEACHER'S MANUAL, ENVIRONMENTAL PROTECTION: LAW AND POLICY (7<sup>th</sup> ed. Wolters-Kluwer Law & Bus./Aspen Casebook Series 2015) (with D. Markell, D. Mandelker, W. Buzbee & D. Bodansky) (previous editions published in 1999, 2003, 2007, and 2011).

STATUTORY ANALYSIS IN THE REGULATORY STATE (Foundation Press) (2014), ISBN # 978-1-660930-432-4 (with R. Levy).

TEACHER'S MANUAL, STATUTORY ANALYSIS IN THE REGULATORY STATE (Foundation Press) (2015) (with R. Levy).

POLLUTION LIMITS AND POLLUTERS' EFFORTS TO COMPLY: THE ROLE OF GOVERNMENT MONITORING AND ENFORCEMENT (Stanford University Press 2011) (with D. Earnhart).

PUBLIC NATURAL RESOURCES LAW (4 volumes, Thomson/Reuters, updated three times annually) (2d ed. 2007) (with G. Coggins) (1st edition published in 1991, with updates two to three times a year between 1991-2011).

RISK REGULATION AT RISK: RESTORING A PRAGMATIC APPROACH (Stanford University Press 2003) (with S. Shapiro).

REGULATION OF TOXIC SUBSTANCES AND HAZARDOUS WASTE: CASES, MATERIALS, NOTES, AND QUESTIONS (1992) (unbound) (awarded Postlethwaite Research Prize, May 1992).

A PROPOSED STRATEGY TO PREVENT GROUNDWATER CONTAMINATION IN KANSAS (University of Kansas 1986) (with G. Coggins) (report prepared under contract to the Kansas Department of Health and Environment).

*Book Chapters*

Co-author, Chapter 12, *Air*, in LAW OF ENVIRONMENTAL PROTECTION (Envtl. L. Inst.) (2022)

The Firm Constitutional Foundation and Shaky Political Future of Environmental Cooperative Federalism, in CONTROVERSIES IN AMERICAN FEDERALISM AND PUBLIC POLICY 132 (Christopher P. Banks ed.) (Routledge, 2018).

An Introduction to Environmental Compliance and Enforcement, in ELGAR ENCYCLOPEDIA OF ENVIRONMENTAL LAW: ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT (L. Paddock, D. Markell & N. Bruner, eds.) (2017).

Introduction in ELGAR ENCYCLOPEDIA OF ENVIRONMENTAL LAW: ENVIRONMENTAL DECISION MAKING (Edward Elgar Pub. Ltd. forthcoming) (R. Glicksman, L. Paddock & N. Bryner eds.).

Debunking Revisionist Understandings of Environmental Cooperative Federalism: Collective Action Responses to Air Pollution, in THE LAW AND POLICY OF ENVIRONMENTAL FEDERALISM: A COMPARATIVE ANALYSIS (Edward Elgar Pub. Kalyani Robbins ed., 2016) (with J. Wentz).

The Relative Efficacy of Coercive and Cooperative Enforcement Approaches to Water Pollution Control, in NEXT GENERATION ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT (L. Paddock & J. Wentz, eds.) (ELI 2014) (with Dietrich Earnhart).

Natural Resource Management and Protection, in INTERNATIONAL ENVIRONMENTAL LAW: THE PRACTITIONERS GUIDE TO THE LAWS OF THE PLANET (Roger Martella & Brett Grosko eds.) (ABA SEER 2014).

Landscape Level Management of Parks, Refuges, and Preserves for Ecosystem Resilience, in SOCIAL-ECOLOGICAL RESILIENCE AND LAW (Ahjond S. Garmestani & Craig R. Allen eds., Columbia University Press) (2014) (with Graeme Cumming).

Governance of Public Lands, Public Agencies, and Natural Resources, in THE LAW OF ADAPTATION TO CLIMATE CHANGE: U.S. AND INTERNATIONAL ASPECTS (ABA Michael B. Gerrard & Katrina F. Kuh, eds.) (2012)).

The Justifications for Nondegradation Programs in U.S. Environmental Law, in LE PRINCIPE DE NON-REGRÉSSION EN DROIT DE L'ENVIRONNEMENT (Michel Prieur & Gonzalo Sozzo, eds.) (Bruylant, Brussels 2012).

Executive Power, the Constitution, and the Environment: The Take Care Clause and the Unitary Executive, Chapter 4 in PRINCIPLES OF CONSTITUTIONAL ENVIRONMENTAL LAW (James May ed., American Bar Ass'n & Environmental Law Inst.) (2011).

Facing Unprecedented Stewardship Challenges: Climate Change and Federal Land Management, in CLIMATE CHANGE: A READER (W. Rodgers et al. eds., Carolina Acad. Press) (2011).

The Failure of U.S. Climate Change Policy (with C. Schroeder) and Anatomy of Industry Resistance to Climate Change: A Familiar Litany, in ECONOMIC THOUGHT AND U.S. CLIMATE CHANGE POLICY (D. Driesen ed., The MIT Press) (2010).

Federal Preemption by Inaction, in PREEMPTION CHOICE: THE THEORY, LAW AND REALITY OF FEDERALISM'S CORE QUESTION (W. Buzbee ed., Cambridge Univ. Press) (2009).

Securing Judicial Review of Agency Inaction (and Action) in the Wake of *Norton v. Southern Utah Wilderness Alliance* in STRATEGIES FOR ENVIRONMENTAL SUCCESS IN AN UNCERTAIN JUDICIAL CLIMATE (M. Wolf ed., ELI Press) (2005).

A NEW PROGRESSIVE AGENDA FOR PUBLIC HEALTH AND THE ENVIRONMENT (C. Schroeder & R. Steinzor eds., Carolina Acad. Press) (2005) (listed as one of ten "primary authors").

NEPA Litigation, in D. MANDELKER, NEPA LAW AND LITIGATION (revised chapter annually from 2004-2012).

The Environmental Review Process, in D. MANDELKER, NEPA LAW AND LITIGATION (revised chapter annually from 2004-2012).

Scope of the Environmental Impact Statement, in D. MANDELKER, NEPA LAW AND LITIGATION (revised chapter annually from 2006-2012).

Judicial Review Under NEPA, in D. MANDELKER, NEPA LAW AND LITIGATION (revised chapter from 2009-2012).

The Threshold Question: Must an Environmental Impact Statement Be Prepared?, in D. MANDELKER, NEPA LAW AND LITIGATION (revised chapter beginning with 2009 release)

The CEC's Biodiversity Conservation Agenda in GREENING NAFTA: THE NORTH AMERICAN COMMISSION FOR ENVIRONMENTAL COOPERATION (D. Markell & J. Knox eds., Stanford Univ. Press) (2003).

Municipal Regulation of Hazardous Waste in A. RATHKOPF, THE LAW OF ZONING AND PLANNING chapter 7A (Release # 72, 6/2000) (with A. Dan Tarlock).

Wildlife and Habitat Protection in ENVIRONMENTAL LAW PRACTICE GUIDE: STATE AND FEDERAL LAW chapter 24 (M. Gerrard ed., 2d ed. 1998).

The Impact of Federal Environmental Protection Laws on Water Allocation in the 26TH ANNUAL INSTITUTE ON PLANNING, ZONING, & EMINENT DOMAIN chapter 7 (1996), *reprinted in* 34 PUBLIC LAND & RESOURCES LAW DIGEST 309 (1997).

Public Resources in ENVIRONMENTAL LAW AND PRACTICE: COMPLIANCE/LITIGATION/FORMS chapter 14 (D. Stever & E. Dolin eds., 1995) (with G. Coggins).

Hazardous and Toxic Substances in NEW JERSEY ENVIRONMENTAL LAW HANDBOOK chapter II (4th ed. M. Rodburg, et al. eds.) (1996).

Water Pollution Control and Supply in NEW JERSEY ENVIRONMENTAL LAW HANDBOOK chapter VII (4th ed. M. Rodburg, et al. eds.) (1996).

Pollution on the Federal Lands in G. COGGINS, PUBLIC NATURAL RESOURCES LAW chapter 11 (1991-92) (with G. Coggins).

The Federal Liability Framework of Public Natural Resources Law in G. COGGINS, PUBLIC NATURAL RESOURCES LAW chapter 7 (1991) (with G. Coggins).

The Constitutional Framework of Public Natural Resources Law in G. COGGINS, PUBLIC NATURAL RESOURCES LAW chapter 3 (1990) (with G. Coggins).

The Administrative Framework of Public Natural Resources Law in G. COGGINS, PUBLIC NATURAL RESOURCES LAW chapter 6 (1990) (with G. Coggins).

Environmental Assessment in G. COGGINS, PUBLIC NATURAL RESOURCES LAW chapter 12 (1990) (with G. Coggins).

Federal Groundwater Quality Control Law and Policy in proceedings of the Natural Resources Law Center conference on Water Quality Control: "Integrating Beneficial Use and Environmental Protection" (1988).

Municipal Regulation of Hazardous Waste in A. RATHKOPF, THE LAW OF ZONING AND PLANNING, chapter 7A (4th ed. 1987) (with A. Dan Tarlock).

Interstate Compacts for Low-Level Radioactive Waste Disposal: A Mechanism for Excluding Out-of-State Waste in LOW-LEVEL RADIOACTIVE WASTE REGULATION - SCIENCE, POLITICS, AND FEAR chapter 3 (M. Burns ed., 1987).

*Law Review Publications*

*The Disintegration of Administrative Adjudicatory Enforcement Authority*, 34 WIDENER COMMONWEALTH L. REV. 71 (2024), <https://wclr.commonwealthlaw.widener.edu/2025/01/06/the-disintegration-of-administrative-adjudicatory-enforcement-authority/>.

*Delegated Agency Authority to Address Chemicals of Emerging Concern: EPA's Strategic Use of Emergency Powers to Address PFAS Air Pollution*, 48 HARV. ENVTL. L. REV. 369 (2024), [https://journals.law.harvard.edu/elr/wp-content/uploads/sites/79/2024/08/02\\_HLE\\_48\\_2\\_Glicksman.pdf](https://journals.law.harvard.edu/elr/wp-content/uploads/sites/79/2024/08/02_HLE_48_2_Glicksman.pdf) (with J. Adashek).

*In Praise of Dan Mandelker's NEPA Wisdom*, 52 URB. LAW. 258 (2023), [https://www.americanbar.org/groups/state\\_local\\_government/publications/urban\\_lawyer/52-2/praise-mandelkers-nepa-wisdom/](https://www.americanbar.org/groups/state_local_government/publications/urban_lawyer/52-2/praise-mandelkers-nepa-wisdom/).

*A Critical 21st Century Role for Public Land Management: Conserving 30% of the Nation's Lands and Waters Beyond 2030*, 54 ARIZ. ST. LJ 1313 (2022), <https://arizonastatelawjournal.org/2023/04/01/a-critical-21st-century-role-for-public-land-management-conserving-30-of-the-nations-lands-and-waters-beyond-2030/> (with S. Zellmer) (reviewed in Jackson Nichols, *The Green Clash Between Renewables and Conservation*, *The Regulatory Rev.* (May 24, 2023), <https://www.theregreview.org/2023/05/24/nichols-the-green-clash-between-renewables-and-conservation/>).

*The New Separation of Powers Formalism and Administrative Adjudication*, 90 GEO. WASH. L. REV. 1088 (2022) (with R. Levy), <https://www.gwlr.org/wp-content/uploads/2022/10/90-Geo.-Wash.-L.-Rev.-1088.pdf>.

*30 x 30—Conservation and the Multiple-Use Agencies*, 68 NAT. RESOURCES & ENERGY L. INST. 34-1 (2022) (with S. Zellmer).

*Judicial Review of Scientific Uncertainty in Climate Change Lawsuits: Deferential and Nondeferential Evaluation of Agency Factual and Policy Determinations*, 46 HARV. ENVTL. L. REV. 367 (2022), <https://journals.law.harvard.edu/elr/wp-content/uploads/sites/79/2022/07/HELR-Vol.-46.2-Judicial-Review-of-Scientific-Uncertainty.pdf> (with D. Kim and K. Groth-Tuft).

*Adaptive Management and NEPA: How to Reconcile Predictive Assessment in the Face of Uncertainty with Natural Resource Management Flexibility and Success*, 46 HARV. ENVTL. L. REV. 121 (2022), <https://journals.law.harvard.edu/elr/wp-content/uploads/sites/79/2022/04/46.1-Glicksman.pdf> (with J. Page) (cited in *Ohio Env'tl. Council v. U.S. Forest Serv.*, 2023 WL 2712454 (S.D. Ohio 2023)) (selected in a peer-reviewed competition sponsored by the Land Use & Environment Law Review as one of the 15 best law review articles on an environmental or land use law topic that was published in 2022).

*Enhancing Environmental Enforcement by Example and Erudition*, 36 J. LAND USE & ENVTL. L.

191 (2021).

*Designing Regulation Across Organizations: Assessing the Functions and Dimensions of Governance*, 15 REG. & GOVERNANCE S102, <https://onlinelibrary.wiley.com/doi/full/10.1111/rego.12420> (2021) (with A. Camacho) (with A. Camacho).

*Structured to Fail: Lessons from The Trump Administration's Faulty Pandemic Planning and Response*, 10 MICH. J. ENVTL. & ADMIN. L. 329 (2021), <https://repository.law.umich.edu/mjead/vol10/iss2/2/> (with A. Camacho).

*The Rocky Road to Energy Dominance: The Executive Branch's Limited Authority to Modify and Revoke Withdrawals of Federal Lands from Mineral Production*, 33 GEO. ENVTL. L. REV. 173 (2021) (with H. Hoffmann).

*Restoring ALJ Independence*, 105 MINN. L. REV. 39 (2020) (with R. Levy), <https://minnesotalawreview.org/article/restoring-alj-independence/>.

*Swallowing the Rule: The Lucas Background Principles Exception to Takings Liability*, 71 FLA. L. REV. F. 121 (2020).

*Shuttered Government*, 62 ARIZ. L. REV. 573 (2020), <https://arizonalawreview.org/shuttered-government/>.

*An Empirical Assessment of Agency Mechanism Choice*, 71 ALA. L. REV. 1039 (2020) (with D. Markell & J. Sevier).

*A Tribute to George Cameron Coggins, Public Lands Maverick*, 68 U. KAN. L. REV. 699 (2020), <https://kuscholarworks.ku.edu/server/api/core/bitstreams/7e830d2d-3427-4bd8-90c8-cde4c91f2047/content>.

*Judicial Ideology as a Check on Executive Power*, 81 OHIO STATE L.J. 175 (2020), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3613777](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3613777) (with D. Adelman).

*The Effect of Enforcement Fairness on Environmental Performance*, 9 ENVTL. MGMT. & SUSTAINABLE DEV. #2, at 1 (2020), ISSN 2164-7682, <http://www.macrothink.org/journal/index.php/emsd/article/view/16708/12938> (with D. Earnhart and D. Ramirez-Harrington)

*The Trump Card: Tarnishing Planning, Democracy, and the Environment*, 50 ENVTL. L. REP. 10281 (April 2020), <https://www.elr.info/sites/default/files/article/2020/03/50.10281.pdf>.

*The Effects of Enforcement on Corporate Environmental Performance: The Role of Perceived Fairness*, 17 REV. OF LAW & ECON. 71 (2021), <https://doi.org/10.1515/rle-2019-0012> (with D. Earnhart & D. Ramirez-Harrington).

*Reevaluating Environmental Citizen Suits in Theory and Practice*, 91 U. COLO. L. REV. 385

- (2020), [http://lawreview.colorado.edu/wp-content/uploads/2020/02/AdelmanGlicksman\\_Final.pdf](http://lawreview.colorado.edu/wp-content/uploads/2020/02/AdelmanGlicksman_Final.pdf) (with D. Adelman) (selected in a peer-reviewed competition sponsored by the Land Use & Environment Law Review as one of the 5 best law review articles on an environmental or land use law topic that was published between 11/1/20 and 10/31/21, and republished in LAND USE & ENV'T L. REV.).
- The Administrative Law of Regulatory Slop and Strategy*, 68 DUKE L.J. 1651 (2019) (with E. Hammond), <https://dlj.law.duke.edu/article/the-administrative-law-of-regulatory-slop-and-strategy-glicksman-vol68-iss8/>.
- The Impact of Citizen Environmental Science in the United States*, 49 ENVTL. L. REP. 10237 (2019), <https://www.elr.info/articles/elr-articles/impact-citizen-environmental-science-united-states-abstract> (with several coauthors) (awarded Honorable Mention in the 2019 Environmental Law and Policy Annual Review competition).
- Unraveling the Administrative State: Mechanism Choice, Key Actors, and Regulatory Tools*, 36 VA. ENVTL. L.J. 318 (2018) (with D. Markell), [http://www.velj.org/uploads/1/2/7/0/12706894/36\\_va\\_envtl\\_lj\\_318\\_385\\_3\\_.pdf](http://www.velj.org/uploads/1/2/7/0/12706894/36_va_envtl_lj_318_385_3_.pdf).
- Presidential and Judicial Politics in Environmental Litigation*, 50 ARIZ. ST. L.J. 3 (2018) (with D. Adelman), <http://arizonastatelawjournal.org/2018/05/22/presidential-and-judicial-politics-in-environmental-litigation/>.
- The Fate of the Clean Power Plan and U.S. Greenhouse Gas Emissions in the Trump Era*, 11 CARBON & CLIMATE L. REV. 292 (2017), <https://cclr.lexxion.eu/article/CCLR/2017/4/5>.
- Management of Federally Owned Grasslands in the Climate Change Era*, 26 KAN. J. L. & PUB. POL'Y 324 (2017), <https://lawjournal.ku.edu/wp-content/uploads/2020/08/Glicksman-V26I3.pdf>.
- Agency Behavior and Discretion on Remand*, 32 J. LAND USE & ENVTL. L. 483 (2017) (with E. Hammond), <https://www.jstor.org/stable/26618647>.
- Technological Innovation, Data Analytics, and Environmental Enforcement*, 44 ECOLOGY L.Q. 41 (2017) (with D. Markell & C. Monteleoni), <https://www.jstor.org/stable/26155388>.
- Dynamic Governance in Theory and Application, Part I*, 58 ARIZ. L. REV. 563 (2016) (with D. Markell) (lead article), <http://arizonalawreview.org/dynamic-governance-in-theory-and-application-part-i/> (selected in a peer review process administered by the LAND USE & ENV'T L. REV. as one of the top 20 law review articles on environmental law published in 2017).
- Legal Adaptive Capacity: How Program Goals and Processes Shape Federal Land Adaptation to Climate Change*, 87 U. COLO. L. REV. 711 (2016) (with A. Camacho), <http://lawreview.colorado.edu/wp-content/uploads/2016/01/8.-87.3-Camacho->

[Glicksman\\_Final-Revised.pdf](#) .

*An International Legal Framework for SE4All: Human Rights and Sustainable Development Law Imperatives*, 38 FORDHAM INT'L L.J. 1405 (2015) (with T. Kaime).

*Extent of Cooperative Enforcement: Effect of the Regulator-Regulated Facility Relationship on Audit Frequency*, 5 STRATEGIC BEHAVIOR AND THE ENV'T 111 (2015)) (with D. Earnhart) (peer-reviewed publication).

*Coercive vs. Cooperative Enforcement: Effect of Enforcement Approach on Environmental Management*, 42 INT'L REV. OF L. & ECON. 135 (2015) (with D. Earnhart) (peer-reviewed publication).

*A Holistic Look at Agency Enforcement*, 93 N.C. L. REV. 1 (2014) (with D. Markell) (selected in a peer review process administered by the LAND USE & ENV'T L. REV. as one of the top 25 law review articles on environmental law published in 2015).

*Wilderness Management by the Multiple Use Agencies: What Makes the Forest Service and the Bureau of Land Management Different?*, 44 ENVTL. L. 447 (2014)

*Regulatory Safeguards for Accountable Ecosystem Service Markets in Wetlands Development*, 62 U. KAN. L. REV. 943 (2014).

*Functional Government in 3-D: A Framework for Evaluating Allocations of Government Authority*, 51 HARV. J. ON LEGISLATION 19 (2014) (with A. Camacho).

*Energy Transmission Across Wild and Scenic Rivers: Balancing Increased Access to Nontraditional Power Sources with Environmental Protection Policies*, 34 PUB. LAND & RESOURCES L. REV. 1 (2013).

*A Comparative Analysis of Accountability Mechanisms for Ecosystem Service Markets in the US and the EU*, 2 TRANSNAT'L ENVTL. L. 259 (2013) (with T. Kaime).

*Improving Water Quality Anti-degradation Policies*, 4 GEO. WASH. JOURNAL OF ENERGY & ENVTL L. 1 (2013) (with S. Zellmer).

*Solar Energy Development on the Federal Public Lands: Environmental Trade-Offs on the Road to a Lower Carbon Future*, 3 SAN DIEGO J. ENERGY & CLIMATE LAW 107 (2011-2012).

*Climate Change and the Puget Sound: Building the Legal Framework for Adaptation*, 2 CLIMATE LAW 299 (2011) (with multiple coauthors) (peer-reviewed journal).

*Agency-Specific Precedents*, 89 TEXAS L. REV. 499 (2011) (with R. Levy).

*Climate Change Adaptation: A Collective Action Perspective on Federalism Considerations*, 40 ENVTL. L. 1159 (2010).

*The Constitution, the Environment, and the Prospect of Enhanced Executive Power*, 40 ENVTL. L. REV. 1102 (2010).

*Science, Politics, Law and the Arc of the Clean Water Act: The Role of Assumptions in the Adoption of a Pollution Control Landmark*, 32 WASH. U. J.L. & POL'Y 99 (2010) (with M. Batzel).

*Access to Courts and Preemption of State Remedies in Collective Action Perspective*, 59 CASE W. RES. L. REV. 919 (2009) (with R. Levy).

*Ecosystem Resilience to Disruptions Linked to Global Climate Change: An Adaptive Approach to Federal Land Management*, 87 NEB. L. REV. 833 (2009).

*Sustainable Federal Land Management: Protecting Ecological Integrity and Preserving Environmental Principal*, 44 TULSA L. REV. 147 (2008).

*A Collective Action Perspective on Ceiling Preemption by Federal Environmental Regulation: The Case of Global Climate Change*, 102 N.W. U. L. REV. 579 (2008) (with R. Levy).

*Coal-Fired Power Plants, Greenhouse Gases, and State Statutory Substantial Endangerment Provisions: Climate Change Comes to Kansas*, 56 U. KAN. L. REV. 517 (2008).

*Effectiveness of Government Interventions at Inducing Better Environmental Performance: Does Effectiveness Depend on Facility of Firm Characteristics?*, 35 B.C. ENVTL. AFF. L. REV. 479 (2008) (with D. Earnhart).

*Bridging Data Gaps through Modeling and Evaluation of Surrogates: Use of the Best Available Science to Protect Biological Diversity Under the National Forest Management Act*, 83 IND. L.J. 465 (2008).

*Balancing Mandate and Discretion in the Institutional Design of Federal Climate Change Policy*, 102 NW. U. L. REV. COLLOQUY 196 (2008).

*Nothing Is Real: Protecting the Regulatory Void through Federal Preemption by Inaction*, 26 VA. ENVTL. L.J. 5 (2008).

*The Comparative Effectiveness of Government Interventions on Environmental Performance in the Chemical Industry*, 26 STANFORD ENVTL. L.J. 317 (2007) (with D. Earnhart).

*Depiction of the Regulator-Regulated Entity Relationship in the Chemical Industry: Deterrence-Based v. Cooperative Enforcement*, 31 WM. & MARY ENVTL. L. & POL'Y REV. 603 (2007) (with D. Earnhart).

*Global Climate Change and the Risks to Coastal Areas from Hurricanes and Rising Sea Levels: The Costs of Doing Nothing*, 52 LOYOLA L. REV. 1127 (2006).

*From Cooperative to Inoperative Federalism: The Perverse Mutation of Environmental Law and Policy*, 41 WAKE FOREST L. REV. 719 (2006).

*Justice Rehnquist and the Dismantling of Environmental Law*, 36 ENVTL. L. REP. 10585 (2006) (with J. May).

*Improving Regulation Through Incremental Adjustment*, 52 KAN. L. REV. 1179 (2004) (with S. Shapiro).

*Traveling in Opposite Directions: Roadless Area Management Under the Clinton and Bush Administrations*, 34 ENVTL. L. 1143 (2004).

*The APA and the Back-End of Regulation: Procedures for Informal Adjudication*, 56 ADMIN. L. REV. 1159 (2004) (with S. Shapiro).

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Testimony before the House Energy and Commerce Committee’s Subcommittees on Commerce, Manufacturing and Trade, and on Energy and Power, at a hearing on “EPA’s Proposed Ozone Rule: Potential Impacts on Manufacturing” (June 16, 2015), <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=103610>.

Presentation to congressional staffers, Congressional Civil Justice Caucus Academy Briefing on “Emerging Issues under the Clean Air Act Section 111(d): Cooperative Federalism or Coercive Overreach?” (Jan. 16, 2015).

Testimony before the House Judiciary Committee’s Subcommittee on Regulatory Reform, Commercial, and Antitrust Law, at a hearing on “The Obama Administration’s Regulatory War on Jobs, the Economy, and America’s Global Competitiveness” (Feb. 28, 2013) (quoted in John Conyers, Jr., Henry C. “Hank” Johnson & David Cicilline, *The Dangers of Legislating Based on Mythology: The Serious Risks Presented by the Anti-Regulatory Agenda of the 115th Congress and the Trump Administration*, 54 HARV. J. ON LEGIS. 102, 112 (2017)).

Testimony before the House Judiciary Committee’s Subcommittee on Courts, Commercial and Administrative Law on “Raising the Agency’s Grades — Protecting the Economy, Assuring Regulatory Quality and Improving Assessments of Regulatory Need” (March 29, 2011).

Written comments submitted to the D.C. Council, Comments on the Review Agency Action Clarification Amendment Act of 2025 Research Grants (March 13, 2025).

### **Speeches and Presentations**

“Environmental Policy and the Trump Administration,” panel presentation in a webinar on “Guardrails of Governance: Legal and Administrative Resilience in Trump 2.0” presented by the GW Energy & Environmental Management Institute (February 21, 2025).

“Recent Developments in U.S. Climate Change Law,” presentation at the 33<sup>rd</sup> Annual Eastern Boot Camp on Environmental Law, sponsored by the Environmental Law Institute and held at the D.C. offices of Sidley Austin (Nov. 20, 2024).

“The State of the Administrative State,” presentation at the 8<sup>th</sup> Annual Conference of the Ecological Restoration Business Association, Washington, D.C. (Sept. 19, 2024).

Panel presentation, “Reorganizing Government: Structural Choices in Functional Governance Design,” at conference on “Regulatory Governance in a Changing World,” sponsored by the Inaugural Conference of the International Association on Regulation and Governance, Philadelphia, PA (June 17, 2024).

Presentation, “Administrative Adjudication on the Chopping Block in *Jarkesy v. SEC*,” Widener Commonwealth Law Review Symposium on “Judging and Administrative Law” (on Zoom) (Apr. 15, 2024).

“Standing Based on Informational Injury: A Paradoxical Tale,” presentation to the GW Law faculty (Apr. 10, 2024).

“Using the Clean Air Act to Reduce PFAS Exposure,” participation at the Harvard Environmental Law Review Virtual Authors Dinner (on Zoom) (Apr. 3, 2024).

“Innovative Management of the Public Lands and National Forests,” presentation at meeting of the Center for Progressive Reform, “Progressive Wins, Challenges Ahead,” Washington, D.C. (Jan. 4, 2024).

Presentation on “Current Issues in Environmental Law,” to GW Law Environmental & Energy Law Adjuncts, GW Law School (Sept. 19, 2023).

“Scaling Up the Smart Grid,” presentation and moderator of panel at the Broadband Breakfast’s “Made in America Summit Program,” Washington, D.C. (June 27, 2023), [https://broadbandbreakfast.com/madeinamerica/?utm\\_medium=email&\\_hsmi=264936872&\\_hsenc=p2ANqtz--lflphpOfu\\_4cu0V61LRwsj2j0N-PRWn6agnxpE4211-VgKgE9ISwsyNjx1HVyvmQJXSOqYND\\_sE67HgUOPFK\\_7x2VEA&utm\\_content=264936872&utm\\_source=hs\\_email](https://broadbandbreakfast.com/madeinamerica/?utm_medium=email&_hsmi=264936872&_hsenc=p2ANqtz--lflphpOfu_4cu0V61LRwsj2j0N-PRWn6agnxpE4211-VgKgE9ISwsyNjx1HVyvmQJXSOqYND_sE67HgUOPFK_7x2VEA&utm_content=264936872&utm_source=hs_email).

“The Opportunities and Challenges of Empirical Research in U.S. Environmental Law,” presentation at conference on Empirical Legal Research: A State of Knowledge Across Europe,” Université Toulouse Capitole, Toulouse, France (June 10, 2023).

“Environmental Law in the Supreme Court: A Survey of Recent and Forthcoming Decisions,” presentation the Wednesday Morning Group, Bethesda, MD (May 3, 2023).

“How to Achieve 30 by 30: Concluding Remarks,” presentation at the 2023 J.B. & Maurice C. Shapiro Environmental Law Symposium, Conserving Our Nation’s Biodiversity: Progress, Obstacles and Solutions for America’s 30 x 30 Initiatives, GW Law School (April 7, 2023).

“The Public Health Impacts of Climate Change Provisions,” Physician’s Weekly Podcast (Mar. 29, 2023), <https://podcasts.apple.com/us/podcast/the-public-health-impacts-of-climate-change/id1574041278?i=1000606429647>

“Climate Mitigation Regulation in the U.S.,” presentation to delegation from the Vietnamese Ministry of the Environment,” GW Law (Mar. 29, 2023).

“The New Separation of Powers Formalism and Administrative Adjudication,” Guest Lecture to Duke University School of Law class on The Administrative State in Crisis (on Zoom) (Feb. 27, 2023).

Speaker, *Forum on Permitting Reform for Energy Infrastructure Projects*, American Enterprise Institute, Washington, D.C. (October 28, 2022).

Presentation, Protecting Public Health Through U.S. Climate Action: Making Sense of the Shifting Landscape After *West Virginia v. EPA* and the Inflation Reduction Act, Milken Institute School of Public Health, GW University (October 13, 2022).

Speaker, GW Law Perspectives on the Inflation Reduction Act, Webinar Change (Oct. 12, 2022).

Commentator, Festschrift Symposium for Daniel Mandelker (Sept. 28, 2022) (virtual).

Moderator, “Environmental and Energy Law Program Virtual Lunch on Climate-Rights Litigation” (Sept. 27, 2022) (virtual).

“The Implications of *West Virginia v EPA*,” presentation to the GW Law faculty (Aug. 10, 2022).

“The Implications of *West Virginia v. EPA* and the Major Questions Doctrine,” one-on-one Q&A session with the Citizens Climate Lobby (July 28, 2022) (on Zoom), <https://ccl.podbean.com/e/big-tent-climate-talks-on-supreme-court-s-decision-on-west-virginia-v-epa-w-prof-robert-glicksman/> and <https://youtu.be/CZRgCGoreEk>.

“Conservation and the Multiple Use Agencies,” presentation at the 68<sup>th</sup> Annual Natural Resources and Energy Law Institute of the Foundation for Natural Resources and Energy Law (July 23, 2022) (by Zoom).

“Top Policy Reforms for the Clean Water Act’s 50<sup>th</sup> Anniversary,” presentation at Center for Progressive Reform Roundtable at the Waterkeeper Alliance Global Conference, Washington, D.C. (June 10, 2022).

“Judicial Review of Scientific Uncertainty in Climate Change Lawsuits: Deferential and Nondeferential Evaluation of Agency Factual and Policy Determinations,” presentation at the 7<sup>th</sup> Annual SRP Sustainability Conference of American Legal Educators, at the Beus Center for Law & Society, Arizona State University, Phoenix, AZ (May 13, 2022).

“The Need for and Structure of a Federal Central Panel of ALJs,” presentation at “Fairness, Justice and the Need for a Federal Central Panel,” sponsored by the ABA’s Judicial Division (May 3, 2022) (on Zoom).

Organizer, moderator, and presenter at the 2022 Shapiro Environmental Law Symposium, “EPA’s Regulatory Jurisdiction on Trial,” GW Law School (March 18, 2022) (on Zoom).

“The Supreme Court and Climate Regulation Under the Clean Air Act,” presentation to the GWU Climate and Health Institute: Faculty and Student Roundtable (March 1, 2022) (on Zoom).

“The New Separation of Powers Formalism and Administrative Adjudication,” presentation at the ABA Annual Conference on Administrative Law: Administrative Law at the Intersection of Legislative, Judicial and Executive Powers (Nov. 18, 2021).

“Adaptive Management and NEPA: Reconciling the Tension,” presentation to the Harvard Environmental Law Review (Nov. 15, 2021).

“Current Developments Under the Endangered Species Act,” guest lecture at Daniel Mandelker’s environmental law seminar at Washington University in St. Louis (Sept. 30, 2021).

“The New Separation of Powers Formalisms and Administrative Adjudication,” works in progress presentation to the GW Law Faculty (Sept. 24, 2021).

Presentation, “An Introduction to the Federal Regulatory Process,” to the National Press Foundation (virtual) (June 18, 2021).

Presentation, “Exploring the Structural Dimensions and Functions of Governmental Authority,” for the “Power in the Administrative Workshop” of the University of Pennsylvania, Wharton School (Feb. 5, 2021).

Participant, Workshop on “Constitutionalizing the Anthropocene,” Tilburg University, the Netherlands (virtual) (Dec. 2-4, 2020).

Panel organizer and moderator, “Structural Adaptive Governance,” at “Oversight and Accountability Conference,” American University Washington College of Law and Program on Law and Government (Nov. 6, 2020).

“Administrative Regulations and the Administration: A Conversation with Prof. Robert Glicksman,” GW Law Podcast, *Testimony* (Nov. 1, 2020), <https://soundcloud.com/gwlaw/administrative-regulations-and-the-administration-a-conversation-with-professor-robert-glicksman>.

“Shuttered Government,” Works in Progress presentation to the GW Law Faculty (Oct. 28, 2020).

Presentation, “Structured to Fail: The Trump Administration’s Faulty Pandemic Planning and Response,” at “Administration in Crisis: Pandemics, Financial Crises, and Other Emergencies Research Roundtable” (virtual), Oct. 1, 2020.

Guest lecturer on Endangered Species Act, Environmental Law Seminar of Professor Dan Mandelker at Washington University School of Law, Sept. 24, 2020.

Podcast, “Reorganizing Government: A Closer Look at a Novel Analytical Framework,” hour-long episode of the Administrative Law Review’s “A Hard Look” Series, Sept. 4, 2020.

Presentation, “Threats to ALJ Independence and the Central Panel Model,” webinar sponsored by the Administrative Conference of the United States, the Center for Progressive Reform, and the Gray Center at the George Mason University Law School, at “Symposium on Federal Agency Adjudication: Alternatives to Traditional Agency Adjudication,” Aug. 27, 2020, <https://www.acus.gov/meetings-and-events/event/symposium-federal-agency-adjudication>.

Presentation, “Structured to Fail: The Trump Administration’s Disorganized Covid Response,” webinar sponsored by the Penn Program on Regulation, University of Pennsylvania, on “The Covid-19 Crisis and Its Implications for U.S. Regulatory Law,” Aug. 26, 2020.

Presentation, “Climate Change Impacts on Law and Applied Sciences,” GW Law Alumni Relations webinar, Aug. 20, 2010, <https://www.law.gwu.edu/climate-change-impacts-law-and-applied-sciences>.

Participant, “Workshop on Regulatory Law, Recent Developments in Administrative Law: Evolution, or a Revolution in the Making?”, Southeastern Association of Law Schools Annual Meeting (held virtually), August 2, 2020.

“The Role of Centralized Executive Branch Review of Agency Rulemaking,” Moderator, Center for Progressive Reform Workshop, conducted online, June 2, 2020.

“Neglecting the Crucial Role of Government Organization in Pandemic Planning and Response,” presentation for video conference on Second Mini-Conference on Coronavirus and Law, Apr. 15, 2020.

“Reflections on the Proposed CEQ Regulatory Revisions,” presentation on “Updating NEPA Teleforum,” public access phone conference, Mar. 24, 2020, <https://fedsoc.org/events/updating-the-national-environmental-policy-act-nepa>.

“Climate Change Adaptation on the Federal Lands: Legal Adaptive Capacity, the Will to Use It, and Legal Strategies to Accelerate Its Use,” presentation at symposium on “Public Lands and Energy Transmission: Reimagining the Role of the Federal Estate as a Climate Solution,” GW Law School, Washington, D.C., Mar. 12, 2020.

“The CEQ’s Proposal to Destroy NEPA,” presentation to GW Law Environmental & Energy Law Association at session on “Notice and Comment on CEQ Regulations,” Washington, D.C., February 26, 2020.

“Climate Science in the Courts,” presentation at “Confronting Climate Change: Primary Forces in Advancing Environmental Protection in a Court of Law,” Environmental Law Institute, Washington, D.C., Feb. 25, 2020.

“Shattered Government,” presentation (remotely by Zoom) at symposium on Revolution or Evolution: Administrative Law in the Age of Trump,” UC-Hastings College of the Law, San Francisco, CA, Feb. 21, 2020.

“Climate Change Governance,” webinar sponsored by the University of Maryland School of Law, Feb. 10, 2020.

“Structuring Government to Address Climate Adaptation,” presentation at symposium on “Legal,

Ethical, and Policy Implications of a Changing Climate,” Charleston School of Law & The Riley Institute at Furman University, Charleston, SC, Feb. 7, 2020.

“Organizing Government to Address Climate Change Threats,” presentation to faculty and students at GW Law, January 23, 2020.

“Climate Change Strategy Considerations for Federal Land Management,” presentation at workshop on “Public Lands Legal Strategy Session,” American University Washington College of Law, Dec. 13, 2019.

“Administrative Agencies and the Courts: The Impact of the Evolving Relationship on Current Approaches to Judicial Challenges to Agency Action,” moderated panel discussion at the American Bar Association, Section of Administrative Law & Regulatory Practices’ 2019 Administrative Law Conference, Washington, D.C., Nov. 15, 2019.

“Federal Land Management and Wildlife Protection,” presentation at festschrift for Dale Goble, University of Idaho College of Law, Boise, ID, Nov. 1, 2019.

“Reorganizing Government: A Novel Approach,” book presentation to faculty at the University of Idaho College of Law, Boise, ID, Oct. 31, 2019.

“50 Years of Environmental Law: Looking Back and Ahead,” moderated discussion with former EPA Administrator Bill Reilly, GW Law School, Oct. 30, 2019.

“The Structural Challenges of Addressing Climate Change,” Georgetown University Law Center Environmental Law and Policy Program: Environmental Law Speaker Series, Washington. D.C., Sept. 26, 2019.

“Structuring Climate Change Governance,” presentation at “Enviroschmmoze” at the Texas A&M School of Law, Fort Worth, TX, August 30, 2019.

“Managing for Multiple Use in a Changing World,” presentation at a panel on “The Multiple Use Mandate: Framing Management Agency Discretion” at the Environmental Law Institute, Washington. D.C., July 10, 2019.

“Defense of Science: Safeguarding Against Distortions of Scientific Research in Federal Policymaking,” participant in workshop sponsored by the Union of Concerned Scientists and UCI Law’s Center for Land, Environment, and Natural Resources, Washington, D.C., May 22, 2019.

“An Overview of Climate Litigation,” keynote address before the American Association for the Advancement of Science,” Washington, D.C., May 3, 2019.

“Frenemies: Federal, State, Tribal, and Local Governments and the Inherent Tension of Cooperative Federalism on the Ground,” panel moderator at 48<sup>th</sup> Annual Spring

Conference of the ABA Section on Environmental, Energy, and Resources Law, Denver, CO, Mar. 29, 2019.

“Re-Imagining Environmental and Natural Resources Law, participation in 3-day workshop at the Johnson Foundation at Wingspread, Racine, WI, Mar. 21-23, 2019.

“The Paris Disagreement: New Administration, New Waves in the International Environmental Community,” moderator, panel on at symposium concerning “Global Consequences of U.S. Administration Change, GW Law School, Washington, D.C., Mar. 15, 2019.

“The Use and Misuse of Science at the Federal Land Management Agencies,” presentation to and participation in workshop on the White Center Conference on Geek Democracy, University of Texas School of Law, Austin, TX, Mar. 1-2, 2019.

“Deregulatory Games: Judicial Review of Agency Action from Slop to Strategy,” presentation at Duke Law School 49<sup>th</sup> Annual Administrative Law Symposium, Raleigh, NC, Feb. 8, 2019.

“The Administrative Law of Regulatory Slop, Stealth, and Strategy,” presentation to the faculty at the University of California-Irvine School of Law, Jan. 18, 2019.

“Functional Considerations in Food Safety Regulation,” paper presentation at the AALS Sections on Agriculture & Food Law, Environmental Law, and Natural Resources & Energy Law Works in Progress Program, New Orleans, LA, Jan. 5, 2019,

“The Administrative Law of Regulatory Slop,” paper presentation at “New Normals? The Trump Administration, the Courts, and Administrative Law,” George Mason University, Antonin Scalia Law School, December 7, 2018.

“Climate Science and the Courts,” presentation at Workshop to Advance a Sociolegal Climate Science Research Network to Support Informal Science Education, George Washington University School of Public Health and George Washington University Law School, Washington, D.C., Nov. 14, 2018.

“Nationwide Injunctions and the Rule of Law,” panel presentation at the ABA’s Annual Administrative Law Conference, Washington, D.C., November 2, 2018.

“The Administrative Law of Regulatory Slop,” paper presentation at “New Normals? The Trump Administration and Administrative Law, Research Roundtable,” Center for the Study of the Administrative State, Antonin Scalia Law School, George Mason University, Arlington, VA, Sept. 28, 2018.

“Natural Resource Damage Liability Since *New Bedford Harbor*,” panel presentation at Natural Resources Symposium: Blueprint for Change: New Approaches and Needed Changes to Managing Natural Resource Risks, Liabilities, and Opportunities, GW Law School, Sept.

25, 2018.

“Citizen Science in Support of Environmental Protection: Innovations, Opportunities, and Barriers,” 2018 IUCN Academy of Environmental Law Colloquium, University of Strathclyde, Glasgow, Scotland, UK, July 4, 2018.

“The Administrative Law Implications of *Lucia v. SEC*,” WIP presentation, GW Law School, June 13, 2018.

“Insights from the Inside,” moderated panel discussion on administrative law under the Trump presidency, Center for Progressive Reform Scholars Meeting, Washington, D.C. (May 24, 2018).

“Citizen Science,” presentation at the Fourth Annual Sustainability Conference of American Legal Educators, Arizona State University Sandra Day O’Connor College of Law, Phoenix, AZ (May 11, 2018).

“The Arc of Recent Federal Public Land Law,” presentation at conference on “From Exxon to Paris: An Examination of Environmental Law over the Last 30 Years,” Georgetown University Law Center (Apr. 13, 2018).

Responder to Works in Progress presentation by Emily Hammond on *Administrative Law for the Dispersed Administrative State*, The George Washington University Law School (Mar. 28, 2018).

Moderator, panel on “Implications of the *Juliana* Case” at conference on “The Public Trust Doctrine in the 21<sup>st</sup> Century,” The George Washington University Law School (Mar. 15, 2018).

“Introduction to the Public Trust Doctrine,” presentation to GW Law Sustainability Initiative, the George Washington University Law School (Mar. 13, 2018).

“Adaptive Governance of Natural Resources,” presentation and participation at SESYNC Adaptive Governance Workshop, Annapolis, MD (Feb. 7-9, 2018).

“Creative Regulators and Environmental Protection,” discussant at symposium on “Regulatory Reform, Transparency, and the American Economy,” George Mason University Law School, Arlington, VA (Feb. 2, 2018).

“Enforcement of U.S. Environmental Law,” day-long presentation to Chinese environmental enforcement official sponsored by the Environmental Defense Fund, Falls Church, VA (Dec. 14, 2017).

“The Fate of the Clean Power Plan in the Trump Era,” presentation as part of discussion on papers published in the *Carbon and Climate Law Review*, GW Law School (Dec. 8,

2017).

“Reorganizing Government: Functional Differentiation of Centralized and Decentralized Authority,” presentation to Yale Law School class on Regulatory Design (20051-01) (presented remotely by Zoom) (Nov. 15, 2017).

“Evaluating Federal Actions: The Powers, Processes, and Proclamations of Administrative Agencies and the Oval Office,” moderator of panel presentations, ABA Section of Administrative Law & Regulatory Practice, Administrative Law Conference, Washington, D.C. (Oct. 20, 2017).

“The Trump Administration’s Natural Resource Management Policies: The Re-Death of Teddy Roosevelt,” presentation at the SEALS 2017 Annual Conference, Boca Raton, FL (Aug. 3, 2017).

“Restructuring Food Safety Regulation,” works in progress presentation to the GW Law faculty (June 28, 2017).

“How Legal Adaptive Capacity Shapes the Authority of Administrative Agencies to Pursue Climate Adaptation Efforts,” Inter-Agency Forum on Climate Risks, Impacts & Adaptation, NASA Headquarters, Washington, D.C. (June 8, 2017).

“Evolution of US Environmental Policy under the Trump Administration,” live interview produced by benchtv, Sydney, Australia (Apr. 6, 2017), available at <https://vimeo.com/benchmarktv/review/217439871/e952c2f7e7>.

“The Future of U.S. Environmental Law,” luncheon presentation to environmental law practitioners and judges convened by the Australian Centre for Climate and Environmental Law at the University of Sydney Law School, Sydney, Australia (Apr. 5, 2017).

“Donald Trump’s Devastating Impact on Biodiversity,” presentation to class on Biodiversity Law at the Sydney University Law School, Sydney, Australia (Apr. 5, 2017).

“Donald Trump and the Cataclysmic Demise of U.S. Environmental Law,” public presentation sponsored by the Australian Centre for Climate and Environmental Law at the University of Sydney Law School, Sydney, Australia (Apr. 4, 2017) (Apr. 4, 2017).

“Donald Trump and the Demise of U.S. Environmental Law,” presentation to faculty at the University of Melbourne Law School, Centre for Resources, Energy and Environmental Law, Melbourne, Australia (Mar. 22, 2017).

“Climate Change Regulation under the Trump Administration,” presentation to class on Climate Change Law at the University of Melbourne Law School, Melbourne, Australia (Mar. 21, 2017).

“Reorganizing Government: A Functional and Dimensional Analysis,” presentation to faculty staff seminar at the University of Melbourne Law School, Melbourne, Australia (Mar. 20, 2017).

Meeting on environmental enforcement with officials of the Victoria, Australia Environmental Protection Authority, Melbourne, Australia (Mar. 20, 2017).

“Donald Trump and the Demise of U.S. Environmental Law,” presentation to faculty at the University of South Australia School of Law (Mar. 8, 2017).

“The Challenges of Environmental Enforcement and the Trump Administration’s Enforcement Approach,” presentation to the Environmental Protection Authority of South Australia,” Adelaide, Australia (Mar. 8, 2017).

“Reorganizing Government: A Functional and Dimensional Analysis,” presentation to faculty staff seminar at the University of Auckland Law Faculty of Law, Auckland, NZ (Feb. 28, 2017).

“Management of Federally Owned Grasslands in the Climate Change Era,” presentation at symposium on “Grasslands: Balancing Preservation and Agriculture in the World’s Most Imperiled Ecosystem,” University of Kansas School of Law, Lawrence, KS (Feb. 17, 2017).

“Reorganizing Government,” organized and presented at workshop on book project to a group of legal academics from law schools across the country, George Washington University Law School (Nov. 11, 2016).

“Agency Behavior and Discretion on Remand,” presentation at symposium on “Environmental Law Without Courts,” Florida State University College of Law, Tallahassee, FL (Sept. 16, 2016).

“Environmental Policy During Presidential Transition,” presentation and discussion moderator, Center for Progressive Reform Scholars Meeting, Washington, D.C. (May 17, 2016).

“The Effect of Technological Innovation on Environmental Enforcement and Compliance,” presentation at “The Data Ecosystem: Bringing Environmental Law into the Digital Age,” University of California-Berkeley (Apr. 1, 2016).

“A Misguided Mission: Wrong-headed Regulatory Reform,” presentation at conference on “The Second Hoover Commission Anniversary: Lessons for Regulatory Reform,” The Hoover Institution, Washington, D.C. (March 16, 2016).

Moderated panel on “Facilitating the Electricity Mix: Transmission Lines and Land Use Issues” at conference on “The Electric Mix of the Future: Environment, Economics, and Governance,” GW Law School (Mar. 10, 2016).

Introduced and moderated panel on “Environmental Conventions and International Organizations” at workshop on “International Law and Wildlife Well-being\ Moving from Theory to Action,” GW Law School (Nov. 13, 2015).

“*Kelo* and *Horne*: The Public Use and Just Compensation Limits on Takings,” participant in debate sponsored by the Federalist Society, GW Law School, (Oct. 7, 2015).

“Achieving Professional and Personal Goals at GW Law,” presentation at GW Law faculty retreat, Leesburg, VA (Sept. 20, 2015).

“The Implications of *Michigan v. EPA*,” presentation to the GW Law faculty workshop (August 5, 2015).

“U.S. Climate Change Law and Policy,” presentation to attorneys from the Korea Legislation Research Institute, Washington, D.C. (June 3, 2015).

“EPA’s Next Generation Compliance Plan: A Better Environmental Enforcement Mousetrap or Environmental Enforcement Snake Oil?”, presentation at semi-annual meeting of the Center for Progressive Reform, Washington, D.C. (May 19, 2015).

“The Legality of EPA’s Clean Power Plan,” presentation at session of the 11<sup>th</sup> Annual Administrative Law & Regulatory Practice Institute of the ABA’s Section of Administrative Law and Regulatory Practice on “EPA’s Clean Power Plan: An Exercise in Statutory Interpretation,” Washington, D.C. (Apr. 30, 2015).

“The Clean Air Act and Cooperative Federalism Fables in the Courts,” presentation at conference on “The Law and Policy of Environmental Federalism,” at GW Law School (Apr. 24, 2015).

“An Alternative Approach to Next Gen Compliance,” presentation at Symposium on Advanced Monitoring, Remote Sensing, and Data Gathering, Analysis, and Disclosure in Compliance and Enforcement, GW Law School (Mar. 27, 2015).

“Enforcement Approaches and Next Generation Compliance,” presentation at meeting of the Environmental Council of the States, “Building Bridges, Best Practices, Bold Solutions,” at session on “Next Gen: New Tools and Approaches Drive Compliance and Results,” Washington, D.C. (Mar. 17, 2015).

“The Impact of Legal Adaptive Capacity on Management of Federal Lands for Climate Change,” presentation at faculty works in progress workshop at the George Washington University Law School, Washington, D.C. (Feb. 12, 2015).

“EPA’s Proposed Regulations Under Section 111(d) of the Clean Air Act: Clean Power or Power Play?”, presentation at panel event sponsored by the Law and Economics Center at the George Mason University School of Law, Arlington, VA (Feb. 4, 2015), available at <http://vimeo.com/118824110>.

“National Monument Designations and Withdrawals,” presentation and panel moderator at session on The Obama Administration and Natural Resources Management at semi-annual meeting of the Center for Progressive Reform, Washington, D.C. (Jan. 6, 2015).

“Holistic Agency Enforcement,” paper presentation at the Governance Workshop at the University of Michigan Law School, Ann Arbor, MI (Nov. 10, 2014).

“The Supreme Court, Climate Change, and the Clean Air Act: Reflections on the *UARG* Decision,” presentation at GW Law faculty workshop (July 23, 2014).

“A General Comment on the Right of Access to Modern Energy Services,” presentation at the 12<sup>th</sup> International Union for the Conservation of Nature (IUCN) Academy of Environmental Law, Tarragona, Spain (July 3, 2014).

Reviewer and commenter on two papers on administrative law at Young Scholars Workshop, Lewis and Clark Law School, Portland, OR (April 12, 2014).

“Why Have the Forest Service and the Bureau of Land Management Implemented Wilderness Management Responsibilities Differently?,” presentation at conference on “The Wilderness Act at 50,” Lewis and Clark Law School, Portland, OR (April 11, 2014).

“Introduction to Federalism and Renewable Energy,” presentation to the U.S. State Department’s International Visitor Leadership Program, “Renewable Energy in the U.S.: A Project,” Washington D.C. (Mar. 31, 2014).

“Federal Public Lands Planning and Climate Change Adaptation: Statutory Authority and Inclination for Dominant and Multiple Use Agencies,” presentation at conference at “The Role of Planning in Federal Land Management,” GW Law School, Washington, D.C. (Mar. 13, 2014).

“Introduction to Federalism and Renewable Energy,” presentation to the U.S. State Department’s International Visitor Leadership Program, “Renewable Energy in the U.S.: A Project,” Washington D.C. (Feb. 24, 2014).

“Federal Responses to Sea Level Rise, Coastal Flooding, and Related Climate Change Risks,” presentation at conference on “Energy, Climate Disruption and Sea Level Rise: New Directions in Law and Policy,” at Nova Southeastern University – Shepard Broad Law Center, in Fort Lauderdale, FL (Feb. 6, 2014).

- “Agency Dysfunction: Enforcement at EPA,” presentation at Scholars Meeting of the Center for Progressive Reform, Fordham Law School, New York, NY (Jan. 4, 2014).
- “Climate Change Adaptation and Institutional Design,” presentation at “GWU-UCL Virtual Research Workshop on Urban Sustainability,” George Washington University, Washington, D.C. (November 13, 2013).
- “Regulatory Safeguards for Accountable Ecosystem Service Markets in Wetlands Development,” presentation at conference on “Waters of the United States: Adapting Law for Degradation and Drought,” University of Kansas School of Law, Lawrence, KS (Nov. 1, 2013).
- “Nontraditional Energy Transmission and Wild and Scenic Rivers,” presentation at conference on “Balancing Act & Paradigm Shift: The Role of Public Lands in America’s Energy Future,” University of Montana School of Law, Missoula, MT (April 18, 2013).
- “Averting Unsustainable Energy Development and Facilities Siting,” introduced and moderated panel at conference on “Laying the Foundation for a Sustainable Energy Future: Legal and Policy Changes, GW Law School (April 11, 2013).
- “Letting Nature Work for the Pacific Northwest: A Manual for Protecting Ecosystem Services under Existing Law,” presentation at webinar sponsored by the Center for Progressive Reform (April 3, 2013).
- “Introduction to Environmental Federalism,” presentation to the U.S. State Department’s International Visitor Leadership Program, Global Water Security Initiative: A Project for India, Washington, D.C. (April 1, 2013).
- “The Efficacy of Coercive and Cooperative Enforcement Approaches to Water Pollution Control,” presentation at workshop on “Next Generation Environmental Compliance” sponsored by EPA, GW, and Berkeley, GW Law School, Washington, D.C. (Dec. 12, 2012).
- “An Assessment of The Failures of Public Land Law Since the Adoption of FLPMA,” introduced and moderated panel at the 58<sup>th</sup> Annual Rocky Mountain Mineral Law Institute, Newport Beach, CA (July 19, 2012).
- “A Comparative Analysis of US and EU Regulatory Safeguards for Ecosystem Service Markets,” presentation at workshop on “Regulatory and Institutional Frameworks for Markets for Ecosystem Services,” University of Surrey, Surrey, UK (June 7, 2012).
- “An Overview of Federalism and Environmental Law,” presentation to the International Visitor Leadership Program of the U.S. Department of State, “Unconventional Gas Technical Engagement: A Project for Columbia,” Center for Global Connections, Washington, D.C. (April 23, 2012).

- “Adapting Laws to Facilitate Better Private Sector Adaptation to Climate Change,” panel moderator at day-long workshop, University of North Carolina School of Law, Chapel Hill, NC (Mar. 30, 2012).
- “Anti-Degradation Policy and the Clean Water Act: A Natural Resource Management Analogy,” organizer and presenter at conference on “The Clean Water Act at 40,” The George Washington University Law School, Washington, D.C. (Mar. 22-23, 2012).
- “Federalism, Government Reorganization, and Climate Change Adaptation,” presentation at the Searle Center Conference on “Federalism and Energy in the United States,” Northwestern University School of Law, Chicago, IL (Mar. 2, 2012).
- “Regulatory Stress, Government Realignment, and Climate Change Adaptation,” presentation at Works in Progress workshop for GW Law faculty, Washington, D.C. (Feb. 29, 2012).
- “Federalism, Climate Change Adaptation, and Government Realignment,” presentation at conference on “Reclaiming Environmental Federalism,” Washington & Lee School of Law, Lexington, VA (Feb. 17, 2012).
- “A Multi-Dimensional Framework for Reallocating Government Authority in Response to Regulatory Stress: Managing Climate Change Adaptation,” presentation at Faculty Works in Progress series at University of Notre Dame Law School, South Bend, IN (Feb. 3, 2012).
- “The ESA Implementation Tipping Point: Climate Change and Listing, Consultation, and the Takings Prohibition,” presentation at AALS Annual Meeting Hot Topic Panel, Washington, D.C. (January 6, 2012).
- Moderator of panel presentations on The George Washington Law Review’s Annual Scholars’ Review of Administrative Law, at the 2011 Administrative Law Conference sponsored by GW and the ABA Section of Administrative Law and Regulatory Practice, Washington D.C. (Nov. 17, 2011).
- Debate on “Environmental Regulation and the Administrative State,” sponsored by the GWU Chapter of the Federalist Society, Washington, D.C. (Nov. 2, 2011).
- Moderator of panel presentations on “Why Accountability Mechanisms Matter: Pressing for Change,” at conference on “A Time for Action: Accountability in the Chesapeake,” University of Maryland School of Law, Baltimore, MD (Oct. 21, 2011).
- “Nondegradation Law in the United States: Can a Non-Rights-Based Doctrine Acquire Rights-Based Legitimacy?”, paper presentation at Conference on the Nonregression Principle, University of Limoges, Limoges, France (Sept. 22, 2011).

“Natural Gas Extraction and Production Air Issues,” participant in two-day roundtable conference sponsored by the Clean Air Act Council, Philadelphia, PA (August 3-4, 2011).

“An Overview of Natural Resource Management and Environmental Law and Policy: The Laws and the Governments that Implement Them,” keynote presentation to International Visitors Program of the U.S. Department of State, in connection with the Phelps Stokes Fund, GW Law School (July 12, 2011).

“Toward a Well Adapted Future: A Legal Framework and Action Agenda for Climate Change Adaptation in the Puget Sound,” speaker for Webinar sponsored by the Center for Progressive Reform” (May 17, 2011).

“A Clean Air Act Primer,” presentation at “A Primer on Impending EPA Regulations Affecting the Power Sector,” Energy Bar Association Annual Meeting, Washington, D.C. (May 4, 2011).

“Solar Power Development on Federal Lands: Balancing Energy, Environmental, and Climate Concerns under a Multiple Use Management Framework,” presentation at “Advancing a Clean Energy Future,” University of San Diego School of Law’s Third Annual Climate & Energy Law Symposium, San Diego, CA (Apr. 15, 2011).

Speaker and workshop participant on “Institutional Design and Climate Change Adaptation: The Centralization, Overlap, and Coordination Axes,” at “Research Roundtable — Climate Change, Adaptation, and Environmental Law,” Northwestern University Law School. Searle Center, Chicago, IL (Apr. 7-8, 2011).

“Science, Politics, and Ethics in Regulation,” presentation at conference on “Science and Regulation: Examining the Role of Scientific Evidence in the Regulatory Process,” American University Washington College of Law, Washington, D.C. (Apr. 6, 2011).

“Federalism Implications of Climate Change Adaptation,” presentation to the faculty at Widener University School of Law Distinguished Speaker Series, Wilmington, DE (Mar. 16, 2011).

“Executive Power: Taking Care of the Unitary Executive,” presentation to constitutional law class at Widener University School of Law, Wilmington, DE (Mar. 16, 2011)

“Solar Projects on BLM Lands: Balancing Energy and Climate Concerns with Multiple Use Management Mandates,” presentation at “Law and Sustainability Symposium: The Energy-Land Use Nexus,” Florida State University, Tallahassee, FL (Feb. 25, 2011).

“Climate Change Adaptation, Adaptive Management, and International Law,” guest lecture by video stream to class on “International Law, Agricultural Development, and Environmental Protection,” at the University of Kansas School of Law (Feb. 16, 2011).

“Reducing Pollution of the Chesapeake: EPA’s Watershed Implementation Plan Process,” presentation at GW Environmental Law Association panel discussion on local water quality issues, GW Law School, Washington, D.C. (Feb. 9, 2011).

“EPA and the Courts in the Early 21<sup>st</sup> Century: Judicial Treatment of Justiciability Issues,” presentation at “The EPA at 40: Assessing Its Past and Future,” Duke University Law School, Durham, NC (Jan. 24, 2011).

Moderator of panel discussion on Adaptation in Puget Sound, at conference on “Toward a Well Adapted Future in Puget Sound: A Symposium on Climate Change Adaptation and the Law,” Seattle University School of Law, Seattle, WA (Jan. 21, 2011).

Moderator of panel discussion on “Climate Change Adaptation: The Road Ahead,” at semi-annual meeting of the Center for Progressive Reform, San Francisco, CA (January 7, 2011).

Moderator of panel discussion on “Legal Issues and the Gulf Oil Spill,” at celebration of the 40<sup>th</sup> anniversary of the GW Law Environmental Program, Washington, D.C. (Nov. 6, 2010).

“Institutional Design and Allocation of Authority to Address Climate Change Adaptation,” presenter at workshop I convened at GW Law School for law professor members of the Center for Progressive Reform on Climate Change Adaptation (Nov. 5, 2010).

“EPA’s Regulation of Greenhouse Gases,” presentation at “Climate Law 101: The Exiting Regulatory Framework,” GreenGov Symposium, George Washington University Law School, Washington, D.C. (Oct. 6, 2010).

“The Supreme Court’s 2010-2011 Term and Environmental Law,” panelist, Environmental Law Institute’s Annual Supreme Court Preview, Washington, D.C. (September 28, 2010).

Moderator, debate on “Free Market Environmentalism vs. Progressive Government,” George Mason University Law School, Arlington, VA (September 28, 2010).

Moderator, discussion on *The People’s Agents and the Battle to Protect the American Public*, at University of Maryland School of Law, Baltimore, MD (September 23, 2010).

“Categorical Exclusions under NEPA and the Gulf Oil Spill,” presenter and panelist at “Brown Bag Lunch Series on Regulatory Compliance,” ABA Section of Administrative Law & Regulatory Practice, Regulatory Policy Committee, Washington, D.C. (June 28, 2010).

“Climate Change Adaptation on the Federal Lands,” presentation at 2010 Martz Summer Conference on “The Past, Present and Future of Our Public Lands,” Natural Resources Law Center, University of Colorado Law School, Boulder, CO (June 4, 2010).

“Climate Change Adaptation: A Collective Action Perspective on Federalism Considerations,” presentation at conference on “The Clean Air Act at a Crossroads: Turning 40, Confronting Climate Change,” Lewis & Clark Law School, Portland OR (April 22, 2010).

“Silo Precedents in Administrative Law,” Works in Progress presentation to the faculty, George Washington University Law School, Washington, D.C. (March 12, 2010).

Presenter and panelist on “New and Emerging Constitutional Theories and the Future of Environmental Protection,” at conference on “Environmental Protection in the Balance: Citizens, Courts, & the Constitution,” sponsored by Georgetown Law, Berkeley Law, and the Environmental Law Institute, Georgetown University Law Center, Washington, D.C. (Feb. 26, 2010).

Panel moderator, “Renewable Energy Siting Roundtable,” at conference on “Next Generation Energy and the Law,” The George Washington University Law School, Washington, D.C. (Feb. 18, 2009).

Moderator, debate on “Let 50 Flowers Bloom: Why Federalism is Good for the Environment,” The George Washington University Law School, Washington, D.C. (February 2, 2010).

“Protecting State and Local Authority Against Preemption: The Patchwork Argument and Climate Change,” presentation at “State Summit on Climate Change and Preemption,” hosted by the National Association of Clean Air Agencies, the Center for Progressive Reform, the University of Maryland School of Law, and The Washington College of Law at American University, Washington D.C. (March 25, 2009).

“Science, Politics, Law, and the Clean Water Act: The Path from Blueprint to Reality,” presentation at Washington University Journal of Law and Policy Symposium on “New Directions in Environmental Law,” St. Louis, MO (Mar. 20, 2009).

“Preserving Environmental Principal and Ecological Integrity: A Natural Resource Trust for the Multiple Use Lands,” presentation to the faculty at the George Washington University Law School, Washington, D.C. (February 5, 2009).

“Access to Courts: Remedial Preemption and Collective Action,” presentation at Case Western Reserve University School of Law, Law Review Symposium on “Access to the Courts in the Roberts Era,” Cleveland, OH (Jan. 30, 2009).

“Access and Remedies: *Summers* and the Supreme Court’s 2008-2009 Environmental Term,” Presenter and panel member at meeting of the Center for Progressive Reform, San Diego CA (January 6, 2009).

- “Global Climate Change: Its Causes and Effects (Near and Wide) on Our Environmental and Energy Future,” Lawrence Sustainability Advisory Board’s Lawrence Home Energy Conservation Fair, Lawrence, KS (October 18, 2008).
- “Climate Change Causes, Consequences, and Policies: The Science and the Law,” presentation at EPA-funded conference on “Climate Change, Myth or Reality,” University of Missouri-Kansas City School of Education, Global and Multicultural Education Center, Kansas City, MO (June 2, 2008).
- “Climate Change in the Courts,” presentation at a CLE program on Recent Developments in the Law, Lawrence, KS (May 29, 2008).
- “The Holcomb Power Plant Imbroglio: Using Statutory Endangerment Provisions to Combat Climate Change,” presentation to University of Kansas School of Law faculty, Lawrence, KS (April 25, 2008).
- “Coal, Electric Power, and the Environment: Climate Change comes to Kansas,” presentation to the University of Kansas School of Law Environmental Law Society, Lawrence, KS (April 17, 2008).
- “The Influence of Facility Characteristics on Environmental Performance Following Government Interventions Under the Clean Water Act,” presentation at Boston College Law School Environmental Affairs Law Review Fall Symposium: The Greening of the Corporation, Boston, MA (Oct. 25, 2007) (with D. Earnhart).
- “The Failure of U.S. Climate Change Policy,” “A Familiar Litany: Industry and Political Opposition to Climate Change Action,” and “A Summary of the Consequences of Global Climate Change,” presentations at Facts, Ideas, and U.S. Climate Change Policy: A Conference on Climate Change, University of Kansas School of Law, Lawrence, KS (Oct. 19-20, 2007).
- “The Impact of Environmental Law on Rural Legal Practice: Dealing with Bogs and Bugs,” CLE presentation at KBA -Kansas Farm Bureau program on Agricultural Law Update, Manhattan, KS (Sept. 21, 2007).
- “The Roadless Rule and Other Strategies for Protecting Public Lands,” presentation at the Natural Resources Law Center 25th Anniversary Conference and the Natural Resources Law Teachers 14th Biennial Institute: The Future of Natural Resources Law and Policy, Boulder (June 7, 2007).
- “Recent Developments in Environmental Law: The Supreme Court Weighs In,” speech at a CLE program on Recent Developments in the Law, in Lawrence, Kansas (June 1, 2007).
- “Important Environmental Law Developments, 2007,” KBA Annual Survey of the Law, Topeka, KS (May 2, 2007).

- “The Impact of Global Climate Change on Hurricanes and Flood Risks,” presentation to the University of Kansas School of Law Environmental Law Society, Lawrence, KS (April 19, 2007).
- “Preemption and the Purposes of Federal Environmental Regulation,” presentation at conference on “Ordering State-Federal Relations through the Preemption Doctrine,” held at the Northwestern University School of Law, Chicago, IL (April 5, 2007) (with R. Levy).
- “Negative Preemption and the Purposes of Federal Environmental Regulation,” presentation at Faculty Research Workshop at the University of Kansas School of Law, Lawrence, KS (with Richard Levy) (March 6, 2007).
- “U.S. Water Quality Law Overview,” presentation for Asian Groundwater Experts Program,” Lawrence, KS (November 28, 2006).
- “Nothing is Real: Federal Preemption by Inaction,” presentation at a conference on “Federalism in the Overlapping Territory,” held at Duke University Law School in Durham, North Carolina (November 10-11, 2006).
- “Coercive v. Cooperative Environmental Enforcement under the Clean Water Act: A Study of the Chemical Industry,” presentation at the 4th IUCN Academy of Environmental Law Colloquium: Toward More Effective Implementation of Environmental Law, Enforcement and Compliance, held at the New York State Judicial Institute at Pace University School of Law in White Plains, NY (October 16, 2006).
- “Will Global Warming Aggravate the Risk of Damage from Hurricanes and Coastal Flooding?,” presentation at faculty research workshop at Emory University School of Law, in Atlanta, GA (September 13, 2006).
- “Will Global Warming Aggravate the Risk of Damage from Hurricanes and Coastal Flooding?,” presentation at University of Kansas School of Law Legal Research Workshop,, in Lawrence, KS (September 8, 2006).
- “Global Climate Change, Hurricanes, and Coastal Flooding: Is There a Link?,” presentation at Loyola University New Orleans College of Law, for conference on Katrina Consequences: What Has the Government Learned?, in New Orleans, LA (August 25, 2006).
- “The Perversion of Cooperative Environmental Federalism,” presentation at Wake Forest University School of Law Symposium on Modern Federalism Issues and American Business, in Winston-Salem, NC (April 7, 2006).
- “Bridging Data Gaps through Modeling and Evaluation of Surrogates: Use of the Best Available Science to Protect Biological Diversity Under the National Forest Management Act,”

- presentation at the University of Indiana (Bloomington) School of Law, for conference on Missing Information: Environmental Data Gaps in Conservation and Chemical Regulation, in Bloomington, IN (March 24, 2006).
- “The Jurisprudence of William Rehnquist on Environmental, Natural Resources, and Takings Law,” presentation at Georgetown University Law Center, in Washington, D.C. (November 7, 2005).
- “Using Eminent Domain to Promote Economic Development After *Kelo*,” testimony before the Joint Committee on Economic Development of the Kansas Legislature, in Topeka, KS (October 11, 2005).
- “Using Back-End Adjustments to Improve Risk Regulation,” presentation at Albany Law School in Albany, N.Y. (April 21, 2005).
- “Environmental Justice at EPA,” presentation at forum on “Social Justice and Environmental Law” at the University of Kansas School of Law in Lawrence, KS (April 18, 2005)
- “Ducking the Latest Blow to the Availability of Suits to Challenge Agency Inaction,” presentation at conference sponsored by the University of Florida College of Law, “Alternative Grounds: Defending the Environment in an Unwelcome Judicial Climate,” in Clearwater, FL (November 12, 2004)
- “Do Government Interventions Induce Better Environmental Behavior? It May Depend on the Regulator’s Approach,” presentation at the University of Kansas to EPA and KDHE, in Lawrence, KS, as part of the Policy Research Institute and Hall Center for the Humanities Seminar Series, titled “Environmental Behavior: Why People Do What They Do” (April 29, 2004)
- “Moving in Opposite Directions: Roadless Area Management Under the Clinton and Bush Administrations,” presentation at Lewis & Clark Law School for symposium sponsored by the National Association of Environmental Law Societies, Public Lands Management at the Crossroads: Balancing Interests in the Twenty-First Century, in Portland, OR (March 26, 2004)
- “Judicial Review of EPA Statutory Interpretations in the Wake of *Chevron*,” presentation at Villanova University School of Law for symposium, Twenty Years After: The Impact of the Chevron Decision Upon the Development of Federal Environmental Law, in Villanova, PA, (March 13, 2004)
- “Waivers, Exceptions, and Adjustments: Perfecting Regulation on the Back End,” presentation at symposium on Reforming Environmental Law: Can Regulation Be More Adaptive?, Lawrence, Kansas (March 4, 2004)

- “Shaping Corporate Environmental Behavior: The Impact of Civil Enforcement,” presentation at Albany Law School, Albany, N.Y. (November 18, 2003)
- “Snowmobiles in Yellowstone: Motorized Recreational Vehicle Use on the Federal Lands,” presentation at Forum on Personal Watercraft, Snowmobiles, and ATVs – Personal Use v. Environmental Impacts, Albany Law School, Albany, N.Y. (November 18, 2003)
- “Recent Developments in Environmental Law: Legislative, Regulatory, and Judicial Highlights,” speech at a CLE program on Recent Developments in the Law, in Lawrence, Kansas (June 6, 2003)
- “Citizen Suits Against the Federal Government,” speech at conference on Environmental Citizen Suits at Thirtysomething: A Celebration & Summit, at Widener University School of Law in Wilmington, DE (April 4, 2003)
- “Law School Casebooks as Teaching and Scholarship Tools,” presentation to University of Kansas School of Law Legal Theory Workshop, in Lawrence, Kansas (February 25, 2003)
- “Recent Developments in Environmental Law: Legislative and Judicial Highlights,” speech at a CLE program on Recent Developments in the Law, in Lawrence, Kansas (June 7, 2002)
- “The Limits of Federal Control over Wetlands and Environmental Protection Efforts,” presentation to the Annual Meeting of the Society for Risk Analysis, in Seattle, WA (December 3, 2001) (by fax).
- “EPA, the Courts, and Science,” speech at conference on EPA at Thirty, Evaluating and Improving the Environmental Protection Agency, at Duke Law School in Durham, N.C. (December 7, 2000).
- “Instrument Choice and Incrementalism in Environmental Policymaking,” presentation to the University of Kansas Environmental Policy Colloquium, in Lawrence, Kansas (October 16, 2000).
- “NEPA Legal Issues: Reducing Your Vulnerability to Litigation,” speech and workshop presentation to the 25th Annual Conference of the National Association of Environmental Professionals, in Portland, Maine (June 29, 2000).
- “Recent Developments in Environmental Law: Judicial, Legislative, and Administrative Highlights,” speech at a CLE program on Recent Developments in the Law, in Lawrence, Kansas (June 2, 2000).
- “Back to the Future: Rescuing Environmental, Health, and Safety Standards from the Economic Paradigm,” presentation (with S. Shapiro) at Chicago-Kent College of Law’s Program in

Environmental and Energy Law: New Directions in Environmental Governance, in Chicago, Illinois (January 28, 2000).

“NEPA Legal Issues: Reducing Your Vulnerability to Litigation,” speech and workshop presentation to the 24th Annual Conference of the National Association of Environmental Professionals, in Kansas City, Missouri (June 24, 1999).

“Recent Developments in Environmental Law: Judicial Highlights,” speech at a CLE program on Recent Developments in the Law, in Lawrence, Kansas (June 4, 1999).

“Land Exchanges and Access Issues in the Colorado River Basin and Beyond,” speech to Tenth Institute for Natural Resources Law Teachers sponsored by Rocky Mountain Mineral Law Foundation, et al., Las Vegas, Nevada (May 13, 1999).

“Environmental Law and the Practicing Scientist,” presentation to Junior/Senior Seminar on Chemistry, Lawrence, Kansas (March 30, 1999).

“Categorizing Risk Regulation,” workshop at Washington University School of Law, St. Louis, Mo. (November 20, 1998).

“Recent Developments in Environmental Law: Judicial Highlights,” speech at a CLE program on Recent Developments in the Law, in Lawrence, Kansas (June 5, 1998).

“Aspirational Pragmatism and the Fate of Risk Regulation,” presentation at Nature and Culture Colloquium of faculty and graduate students, Lawrence, Kansas (October 31, 1997).

“Standing in the Shadows: Standing to Sue in Environmental and Public Natural Resources Law Cases,” speech at a CLE program sponsored by the Kansas City Metropolitan Bar Association and the KCMBA Environmental Law Committee, in Kansas City, Mo. (October 14, 1997).

“Recent Developments in Environmental Law: Legislative and Judicial Highlights,” speech at a CLE program on Recent Developments in the Law, in Lawrence, Kansas (June 7, 1997).

“Fear and Loathing on the Federal Lands,” inaugural lecture for the Robert W. Wagstaff Distinguished Professorship, in Lawrence, Kansas (March 3, 1997).

“Criminal Culpability and Environmental Law” and “Criminal Prosecution of Environmental Offenses (Point/Counterpoint),” two presentations and moderator of day-long seminar on “Avoiding Environmental Liability: A Corporate and Personal Challenge,” in Wichita, Kansas (October 23, 1996).

“Recent Developments in Environmental Law: A Grab Bag of Legislative and Judicial Developments,” speech at a CLE program on Recent Developments in the Law, in Lawrence, Kansas (June 7, 1996).

“Criminal Culpability and Environmental Law,” presentation and moderator of day-long seminar on “Avoiding Environmental Liability: A Corporate and Personal Challenge,” in Kansas City, Missouri (March 20, 1996).

"The Impact of Federal Environmental Protection Laws on Water Allocation," speech to the annual Institute on Planning, Zoning, and Eminent Domain presented by the Municipal Legal Studies Center of the Southwest Legal Foundation in Dallas, Texas (November 15, 1995).

"An Introduction to Risk Assessment," speech and moderator of day-long seminar on "Risk Assessment for Site Contamination and Cleanup," in Overland Park, Kansas (April 21, 1995).

"Technical Issues in Air Permitting," Seminar Moderator, Overland Park, Kansas (November 4, 1994).

"Sharing Water: Cities, Farms, and Ecosystems," Local Panelist for National Video-Conference, Lawrence, Kansas (October 14, 1994).

"Legal and Judicial Systems and Environmental Policies," presentation to seminar in Environmental Policy, Environmental Studies Program, University of Kansas, Lawrence, Kansas (September 9, 1992).

"EPA and the Courts," speech at Symposium sponsored by Duke University School of Law and Washington University School of Law on Assessing the Environmental Protection Agency After Twenty Years: Law, Politics, and Economics, Durham, North Carolina (November 15, 1990).

"Introduction to Federal Regulation of Hazardous Waste Management," speech at and moderator of University of Kansas Continuing Legal Education Conference on the Law of Hazardous Waste Management, Lawrence, Kansas (July 15, 1988).

"Federal Groundwater Quality Control Law and Policy," speech at the Ninth Annual Summer Program of The University of Colorado Natural Resources Law Center, on Water Quality Control: Integrating Beneficial Use and Environmental Protection, Boulder, Colorado (June 2, 1988).

"The Quiet Revolution in Administrative Law," seminar presentation to the University of Miami School of Law faculty, Miami, Florida (April 1988).

"Congress, the Supreme Court, and the Quiet Revolution in Administrative Law," seminar presentation (with S. Shapiro) to the Duke University School of Law faculty, Raleigh, North Carolina (February 1988).

"Introduction to Federal Regulation of Hazardous Waste Management," speech and moderator of University of Kansas Continuing Education Seminar on Environmental Law for Hazardous Waste Handlers and Generators, Overland Park, Kansas (December 17, 1987).

"Low Level Radioactive Waste Disposal: We'll Take This Stuff if We Have To, But...", speech to American Chemical Society Annual Meeting, New Orleans, Louisiana (September 3, 1987).

"Groundwater Quality Protection in Kansas: A Review of Existing State Policies and Programs," speech to the Conservation Forum, Salina, Kansas (October 10, 1987).

"The Fight for Superfund Reauthorization," presentation to the University of Kansas Environmental Law Society, Lawrence, Kansas (October 1986).

"Legislative Approaches to the Prevention of Groundwater Contamination in Kansas," speech to university of Kansas undergraduate seminar in Topics in Contemporary Chemistry, Lawrence, Kansas (April 7, 1986).

"Interstate Compacts for Low-Level Radioactive Waste Disposal: Are the Ramparts Against Out-of-State Waste Defensible," speech to American Chemical Society, Division of Chemistry and Law, Chicago, Illinois (September 10, 1985).

"Legal Aspects of Water Quality," speech to Kansas high school debaters sponsored by the Division of Continuing Education and the Department of Speech of Kansas State University, Lawrence, Kansas (by teleconference statewide) (September 17, 1985).

"The Wolf Creek Nuclear Plant and Excess Capacity," speech and moderator of panel discussion as part of symposium sponsored by the Kansas Law Review, Lawrence, Kansas (February 2, 1985).

"Chemical Waste Disposal and the Superfund," presentation to University of Kansas seminar for Humanities 510: Science, Technology, and Society, Lawrence, Kansas (November 1984).

"Acid Rain: The Choice is Ours," presentation as part of panel discussion sponsored by the Jayhawk Audubon Society, Lawrence, Kansas (April 19, 1984).

"Acid Rain: Requiem or Recovery?", presentation and panelist at meeting sponsored by Sierra Club, Lawrence, Kansas (November 16, 1983).

"The Status of Nuclear Waste Disposal," speech sponsored by the University of Kansas Energy Research Center, Lawrence, Kansas (April 1, 1983).

### **Law School Service**

Academic Committee, 1982-83, 1995-96, 1996-97 (Chair), 1997-98 (Chair), 1998-99 (Chair), 1999-2000 (Chair), 2001-02, 2007-08

Academic Scholarship Committee, 2017-2018, 2018-2019

Ad Hoc Faculty Appointments Policy and Procedure, Spring 2008, 2008-09

Ad Hoc Grievance Procedure Review Committee, 1999-2000, 2000-01

Admissions Committee, 1985-86, 2001-02

Awards and Special Events Committee, 1984-85, 1990-91

Chaired Professors Committee, 1996-present

Curricular Innovation Committee, 2006-07, 2007-08, 2008-09

Energy Law Working Group (Chair), 2012-2013

Faculty Appointments/Recruitment Committee

KU: 1991-92, 1992-93, 1997-98, 2000-01 (Acting Chair, spring 2001), 2002-03 (Co-Chair), 2003-04 (Co-Chair), 2007-08, 2008-09 (Chair)

GW: 2013-114, 2014-15

Intellectual Life Committee (GW), 2011-12, 2015-2016, 2017 (fall), 2017-2018, 2018-2019

Law Review Co-Advisor, 2001-02

Library Committee, 1983-84, 1989-90

Placement Committee, 1994-95

Research Committee, 1986-87 (Chair), 1987 (Fall), 1988-91, 1991-92 (Chair), 1992 (Fall), 1995-96; 1996-97

Search Committee, Koch Distinguished Professor of Law and Business, 1991-93

Search Committee, Faculty Research Law Librarian, 2000-01

Self-Study Committee, 1984-85, 2004-06 (Chair)

Teaching Committee (GW), 2009-10

Tenure and Promotion and Committee

KU: 1986-87, 1992-93, 1998-99, 1999-2000, 2004-05, 2004-05  
GW: 2010-11, 2011-12, 2012-2013 (Chair), 2015-2016

Chair, University of Kansas Law Faculty Association, 1984-85

Co-coordinator, Second Year Moot Court Competition, 1983-86

Faculty Representative to Association of American Law Schools, 1984-85 (including delegate at AALS Annual Meeting in Washington, D.C., January 1985)

Faculty Co-Advisor, Environmental Law Society, 1984-88, 1990-91, 1995-2009

Supervisor, student Independent Research papers (approximately 2 each semester), 1982-present

Faculty Reader, student Law Review Notes involving environmental law issues, 1982-present

### **University Service**

Ad Hoc Committee on an Environmental Institute, 1996-97

Biohazards Committee, 1984-87

Chemical Hygiene Subcommittee, Laboratory Safety Committee, 1995-2003

Dean Search Committee, 1998-99

Faculty Advisory Council, University of Kansas Center for Environmental Education and Training, 1994-96

Policy Committee, Kansas Water Resources Research Institute, 1982-87

Member, Executive Board, University of Kansas Chapter, American Association of University Professors, 1985-87

Supervised two week unit of Humanities 510: Science, Technology, and Society, concerning "Chemical Waste Disposal and the Superfund" (including 90-minute lecture during the first week and participant in 90-minute panel discussion the second week) (October 9 and 16, 1984)

Member of coordinating faculty for Humanities 510: Science, Technology, and Society (Spring 1989)

Dean Davis' Review Committee, 1984-85

First Level Review Committee, General Research Fund, 1987

### **Community and Professional Service**

Advised the Secretariat of the Commission for Environmental Cooperation established by the North American Agreement on Environmental Cooperation on issues pertaining to domestic and international environmental law, 1999-2001)

Advised the United States Senate Committee on Environment and Public Works and the United States Department of Justice on proposed amendments to the Clean Water Act, June-July 1994

Member, Board of Directors, Center for Progressive Reform (January 2008 to present)

Member, Academic Consultative Group to the Administrative Conference of the United States' Council on Federal Agency Adjudication (July 2020-present)

Working Group Leader and Member Scholar, Center for Progressive Regulation, 2002-present

Member, Committee on Education, Outreach and Policy of the City of Lawrence's Climate Protection Task Force (beginning June 2008)

Commenter for American Bar Association's Central and East European Law Initiative on draft Bulgarian Waste Law, April 1993

Member, Lawrence Board of Zoning Appeals, 1983-87

Member, National Asbestos Conference Steering Committee; attended two-day planning session in Kansas City, Missouri (March 17-18, 1985)

Reporter for Kansas Bar Association's "Real Estate, Probate and Trust Law Section Newsletter" (responsible for analyzing and providing written summaries approximately three times a year of significant new Kansas court decisions concerning real property law), 1983-88

Member, Executive Committee, and Issue Leader for Clean Air, Clean Water, and Hazardous Waste Issues, Wakarusa Group, Kansas Chapter, Sierra Club, 1983-87

Member, Board of Directors, Kansas Natural Resources Council, 1987-88

*Conservatives Flip-Flopped on Cap-and-Trade*, The Wichita Eagle, June 30, 2008 (op-ed)

*Love that Dirty Water? A Status Report on the Courts and the Environment* (with D. Gottlieb) (report prepared for the Alliance for Justice) (March 2000)

*Committee Reports, Environmental Group: Superfund and Hazardous Waste*, in ABA SECTION ON NATURAL RESOURCES, ENERGY, AND ENVIRONMENTAL LAW 1998: THE YEAR IN REVIEW (1999) (contributing author; Marla E. Mansfield, ed.)

*Committee Reports, Environmental Group: Superfund and Hazardous Waste*, in ABA SECTION ON NATURAL RESOURCES, ENERGY, AND ENVIRONMENTAL LAW 1997: THE YEAR IN REVIEW (1998) (contributing author; Marla E. Mansfield, ed.)

*EPA Case, Others Limit Federal Regulatory Authority*, The Kansas City Star, June 1, 1999, at B6 (with K. Brooks) (op-ed)

Outline Presentation, “RCRA and Clean Air Act Developments,” National Law Journal Sixth Annual General Counsel Conference (New York City June 13-14, 1994) (with M. Rodburg)

Outline Presentation, “De Minimis Settlements — How to Make Them Work,” Information Network for Superfund Settlements (Washington, D.C. Oct. 5, 1993) (with M. Rodburg)

Article, “Legal Framework of Direct Investments and Acquisitions in the United States by Foreign Companies,” Union Internationale des Avocats: Etudes et Documents 9 (1981) (reprinted in August 31, 1981 issue of the New York Law Journal) (with A. Newberg and J. E. Marans)

Article, “Judicial Developments Affecting DOE Enforcement Actions,” Oil and Gas Regulation Analyst, March 1981, at 5

Article, “Department of Energy's OHA Shows Ability in Crisis,” Legal Times of Washington, April 28, 1980, at 5 (with S. Schotland)

Article, “Are Citizen Suits An Industry Burden?,” 62 Miami Rev. No. 195, at 14 (March 21, 1988)

Article, “Making the Most of Law School: Preparing for a Career in Environmental Law,” The NAELS Reporter (Fall 2000) (the newsletter of the National Association of Environmental Law Societies)

Article, “Clean Air, Dirty Cars: America’s Love Affair With the Automobile,” 2 Univ. of Miami Environmental Law Society Bulletin No. 2, at 1 (Spring 1988)

Participant, Public Law Workshop, “How Can Regulators and Administrators Determine the Public Interest?,” Lawrence, Kansas (May 4, 1984)

Participant, Economic Seminar for KU Faculty, Lawrence, Kansas (May 16-26, 1983)

Member, American Bar Association, 1977-present

Member, District of Columbia Bar, 1977-present

Member, Kansas Bar Association, 1990-present