



ROCKY MOUNTAIN
MINERAL LAW FOUNDATION

Natural Resources Law Teachers Newsletter

Fall 2020

A message from the editors of the Natural Resources Law Teachers Newsletter

We hope you are all keeping well during this difficult time. Despite the continued disruptions we all continue to experience from Covid-19, we were heartened to see all of the new scholarship, teaching, programs, and other activities you have undertaken. We wish you all a happy and healthy New Year!

Katrina Fischer Kuh and Hillary Hoffmann

A message from Alex Ritchie, Executive Director, and Jaleen Edwards, Director of Member Engagement and Scholar Development Program

2021-2022 Academic Year Scholarships

Despite the economic challenges presented by the COVID-19 pandemic, the Rocky Mountain Mineral Law Foundation (the “Foundation”) is increasing its support of law students who are interested in natural resources law by offering new scholarships. This is possible because of the commitment of our Board of Directors to our nonprofit mission and the incredible support we have received from our members in the past year in the form of contributions for our scholarship programs. In particular, we want to highlight the Foundation’s new **Equity and Inclusion Scholarship**.

The [Equity and Inclusion Scholarship](#) will be awarded to one or two JD applicants who have an interest in natural resources, energy, or environmental law and who identify as either Black or Indigenous (including Native American or First Nation). The Foundation’s scholarships committee will evaluate candidates taking into account their pursuit of academic achievement, leadership ability, year in law school, and financial need. Unlike most of the Foundation’s other scholarships, students at all accredited law schools are eligible.

Please let your students know about our newest scholarship program. The deadline to apply is February 28, 2021. You can access more information about this scholarship and all our scholarship programs on our website at: <https://www.rmmlf.org/professors-and-students/professors-and-students>.

Abigail Andre (Vermont) is Vermont Law School's newest environmental faculty member and staff attorney. She joined the VLS faculty in September after ten years of environmental litigation with the U.S. Department of Justice's Environmental Enforcement Section. She previously taught at the University of Denver's Sturm College of Law.

Jessica Ann Bacher (Pace), Executive Director, Land Use Law Center, was nominated to serve as Secretary of the ABA State and Local Governmental Law Section for 2020-2021. In September, she was appointed to a Land Use Panel supporting New York Governor Andrew Cuomo's Climate Action Council.

Reed D. Benson (New Mexico), Natural Resources & Environmental Law Program Director, spent much of the year working with co-authors Dan Tarlock and Burke Griggs on a new edition of the Water Resource Management casebook, due out at the end of 2020. He also covered the Supreme Court litigation in *Texas v. New Mexico* for SCOTUSblog. This case involves an interstate compact dispute on the Pecos River, and was argued on the first day of the new Supreme Court term. After writing a preview and a same-day analysis of the argument, Benson will write a final entry when the case is decided. He spoke in June on a webinar called "Dividing The Waters: Water Law Update," offered to water judges across the country by the National Judicial College and its Dividing the Waters project. Benson was one of three law professors on a panel moderated by former Colorado Supreme Court Justice Greg Hobbs. He organized and moderated a November webinar, "Change in the Air," focusing on the implications of the 2020 elections and President Trump's judicial appointments for environmental law. This program featured regular and adjunct faculty members of UNM's Natural Resources & Environmental Law Program, and Benson spoke on NEPA and

federal lands issues. He is a member of the Rocky Mountain Mineral Law Foundation board of directors, and served on the planning committee for RMMLF's first annual Water Law Institute.

Laurie Beyranevand (Vermont), published the report "[The Urgent Call for a National Food Strategy: An Update to the Blueprint](#)" (with Emily Broad Leib of Harvard Law School) in October. She also presented "Innovative Digital Resources on Food and Agriculture Law and Policy through the Agricultural Law Information Partnership" at the United States Agricultural Information Network Conference; "Law and Policy Approaches to Improve the Food System," at the Association for the Study of Food and Society Conference; and "Using Law and Policy to Effect Change in the Food System" at the ThinkFOOD 2020 Conference. She presented in the Food and Drug Law Institute webinar on "Blueprint for a Smarter Era of Food Safety: Grower Perspectives and Concerns," and a Vermont Law School webinar on "[Building Food Security and Sovereignty through Local Zoning Codes](#)" (with Jonathan Rosenbloom). She moderated a panel at Georgetown Law School's Food and Drug Law Journal Annual Symposium titled "This Teachable Moment: How COVID-19 Provides Lessons from FDA's Past and Present That Will Benefit Its Future Preparedness." She was also a guest on the Duke World Food Policy Center's [Leading Voices in Food podcast](#).

Jonathan Brown (Pace), Director, Food and Beverage Law Clinic, held a virtual meeting on "The Pandemic and Our Food System: Why We Might Want to Move Our Food Supply Closer to Home" with Pace University Professor Melanie DuPuis. He was a speaker on a panel on "COVID, Climate Change, and Crisis: The Future of Farming" organized by Earthjustice on July 14, 2020. The Pace Food and Beverage Law Clinic co-hosted a webinar with American Farmland Trust entitled, "Farm Leasing and Conservation Practices: Incentivizing Secure Tenure and Climate Resilience."

Genevieve Byrne (Vermont) directs the “Farm and Energy Initiative,” which recently published a [website](#) hosting free resources for farmers, researchers, and policymakers focused on sustainable energy use in agriculture. In October, she presented [“The Farm and Energy Initiative: A New Law and Policy Resource”](#) in a Vermont Law School webinar. She also presented “Sustainable Development of Biogas” at the American Agricultural Law Association Annual Agricultural Law Educational Symposium.

Inga Caldwell (Pace) presented “Adaptive Management at the Berry’s Creek Study Area – Stirring Up Trouble?,” at the 11th Annual Colloquium on Environmental Scholarship, Vermont Law School, (September 26, 2020).

Alejandro Camacho (UC Irvine) published: (1) [“Beyond Preemption, Toward Metropolitan Governance,”](#) 39 STAN. ENVTL. L.J. 125 (2020) (with Nicholas Marantz); (2) [“The Trump Card: Tarnishing Planning, Democracy, and the Environment,”](#) 50 ENVTL. L. REP. 10281 (2020) (with Robert Glicksman); (3) [“Bulldozing Infrastructure Planning and the Environment through Trump’s Executive Order 13807,”](#) 91 U. COLO. L. REV. 511 (2020); (4) [REORGANIZING GOVERNMENT: A FUNCTIONAL AND DIMENSIONAL FRAMEWORK](#) (2019) (with Robert Glicksman); (5) [“Mitigating Climate Change through Transportation and Land Use Policy,”](#) 49 ENVTL. L. REP. 10473 (2019) (with Melissa Kelly, Nicholas Marantz, Gabriel Weil); (6) [“Court considers bright-line and case-specific standards for the Freedom of Information Act’s ‘deliberative process’ privilege,”](#) SCOTUSblog (Nov. 4, 2020) (with Melissa Kelly); (7) [“The Trump Administration’s Latest Unconstitutional Power Grab,”](#) REG. REV. (Aug. 24, 2020) (with Robert Glicksman); (8) [“The Shape of Water After County of Maui v. Hawaii Wildlife Fund,”](#) REG. REV. (July 28, 2020) (with Melissa Kelly); (9) [“The Trump Administration’s Pandemic Response is Structured to Fail,”](#) REG. REV. (May 19, 2020)

(with Robert Glicksman); and (10) [“Trump is trying to cripple the environment and democracy,”](#) THE HILL (Jan. 18, 2020) (with Robert Glicksman).

David Cassuto (Pace), Director, Brazil-American Institute for Law and Environment, published [“Torturing fewer animals will mean burying fewer people”](#) in The Hill on July 22, 2020 with Stephen Wells, and [“Suffering Matters: NEPA, Animals, and the Duty to Disclose”](#) in 42 U. HAW. L. REV. 2 (2020) (with Tala DiBenedetto). On November 7, he gave a lecture to the Congresso De Direito Ambiental, which is the largest organization of environmental lawyers in Brazil.

Jason J. Czarnecki (Pace) published “Global Peace and Security without a Healthy Environment?” in 4 JURIDISK TIDSKRIFT 785 (2020), and presented a Report introducing mandatory sustainability requirements in the EU public procurement directives, in [SUSTAINABILITY THROUGH PUBLIC PROCUREMENT: THE WAY FORWARD – REFORM PROPOSALS](#) with Marta Andhov & Roberto Caranta eds., in March 2020. He published [“Lessons from the climate and COVID-19 crises”](#) in the Hill on April 9, 2020, and [“An American perspective on the Swedish coronavirus strategy”](#) in the Local on April 22, 2020 with Andrea M. Voyer. He discussed COVID-19 on the Rob Snow Show in June 2020.

Stephen Dycus (Vermont) published COUNTERTERRORISM LAW, 4th ed. (with William C. Banks, Peter Raven-Hansen & Stephen I. Vladeck). New York: Aspen Publishers (2020). He also published NATIONAL SECURITY LAW, 7th ed. (with William C. Banks, Peter Raven-Hansen & Stephen I. Vladeck). New York: Aspen Publishers (2020).

John Echeverria (Vermont) presented “The Takings Clause and Sovereign Immunity,” at the 11th Annual Colloquium on Environmental Scholarship, Vermont Law School, (September

26, 2020). In May, he wrote "[The Coronavirus and the Takings Clause](#)" for CPRBlog.

Gabriel Eckstein (Texas A&M), Director, Energy, Environmental, and Natural Resources Systems Law Program. The EENRS Law Program hosted its [second annual EnviroSchmooze](#) in August, which included presentations by Todd Aagaard of Villanova, Albert Lin from UC-Davis, Dave Owen of UC Hastings, Sarah Schindler from Maine, and Felix Mormann from Texas A&M. We also hosted a speaker series featuring William Evans, retired CFO and In-House Counsel for the Dallas Zoo; Amanda Fuller from National Wildlife Federation; and Conrad Hester, Partner with Alston & Bird. And our Law Review hosted the symposium: "[Containing COVID Catastrophes: Addressing the Effects of COVID-19 on the Agricultural Industry](#)."

Individually, Gabriel Eckstein: published "[Democratic water governance to achieve a human right to water](#)" in the Global Water Forum; presented "The Rights of Rivers – A new Approach to Managing Freshwater Resources?" for the Institute for Global Dialogue & Culture of Encounter; and moderated for the Permanent Forum of Binational Waters: "Potential Models of Transboundary Groundwater Management," at US-Mexico Transboundary Groundwater Conference on Innovation and Creativity: Strategies for Unprecedented Challenges; and "US-Mexico Transboundary Groundwater: Withdrawals and binational implications" and "Water Deliveries from Mexico to the US: The 1944 Treaty and Conciliation Points" for online Coffee Breaks (with Rosario Sanchez).

Marianne Engelman-Lado (Vermont) presented "New VLS Environmental Justice Clinic. From Pennsylvania Ave. to State Street: Vermont's Evolving Environmental Practice in the 21st Century," to the Vermont Bar Association (October 8, 2020). She was a panelist on "Environmental Justice and the Latino Community: Why it Matters to Us," at the Connecticut General Assembly on Women, Children, Seniors, Equity, and Opportunity

(October 9, 2020). She moderated "An Adaptation and Mitigation Framework for Climate-Vulnerable Populations in Connecticut," at G3C's Equity and Environmental Justice in Climate Solutions Webinar Series (September 24, 2020). She presented "Environmental Justice: Legal and Policy Implications," at the Environmental Defense Fund Science Day (September 30, 2020). She presented "State Climate Justice Laws and Policies," G3C's Equity and Environmental Justice in Climate Solutions Webinar Series (November 12, 2020).

Robert Glicksman (George Washington University) published the 2020 edition of NEPA LAW AND LITIGATION (with Dan Mandelker); "[Shuttered Government](#)," 62 ARIZ. L. REV. 573 (2020); "[Restoring ALJ Independence](#)," 105 MINN. L. REV. 39 (2020) (with Richard Levy); "[An Empirical Assessment of Agency Mechanism Choice](#)," 71 ALA. L. REV. 1039 (2020) (with David Markell & Justin Sevier); "[Swallowing the Rule: The Lucas Background Principles Exception to Takings Liability](#)," 71 FLA. L. REV. F. 121 (2020); "[A Tribute to George Cameron Coggins, Public Lands Maverick](#)," 68 U. KAN. L. REV. 699 (2020). Forthcoming are "Structured to Fail: Lessons from The Trump Administration's Faulty Pandemic Planning and Response," 10 MICH. J. ENVTL. & ADMIN. L., # 2 (with Alex 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., # 2 (with Hillary Hoffmann). Rob's podcasts include: "Reorganizing Government: A Closer Look at a Novel Analytical Framework," the Administrative Law Review's "[A Hard Look](#)" Series, Sept. 4, 2020; "[Administrative Regulations and the Administration](#)," GW Law Podcast, *Testimony* (Nov. 1, 2020). He presented on pandemic response and ALJ independence.

Robert Glennon (University of Arizona) has several items to report: "Powell's Legacy -- The Bureau of Reclamation and the Contemporary West: Water Exchanges," in VISION AND PLACE,

Jason Robison, ed. (University of California Press); “Looser standards for showerheads could send a lot of water and money down the drain,” in THE CONVERSATION, Sept 2, 2020; “The proof is in the poop,” (with Charles Gerba), in THE CONVERSATION (forthcoming); and “Is romaine safe to eat?”, in THE WATER REPORT (forthcoming). He is in the third and final year of a phased retirement that has allowed him to spend the fall in Port Clyde, Maine.

Shelby D. Green (Pace) was a presenter and moderator on a webinar “Non-debt Financing for Home Purchase: Risks and Promises” on June 9, 2020, which was sponsored by the ABA Real Property, Trust and Estate Law Section. She published [HISTORIC PRESERVATION: STORIES AND LAWS](#) with Nicholas A. Robinson in June 2020.

Craig A. Hart (Pace) presented “[Strategy for the Future: Energy Transition, Competitiveness and the Future Midwest](#)” to Pulte Institute for Global Development in 2020, and prepared a Policy Brief on “[Preparing for Climate Change in the Midwest and Great Lakes Region: A Primer for Citizens and Community Leaders](#)” with Alan Hamlet & Tom Purekal in April 2020. He also authored a paper on “[Zero Net Gas: A Framework for Managing Gas Demand Reduction as a Pathway to Decarbonizing the Buildings Sector](#)” with Radina Valova, Tom Bourgeois & Joseph O’Brien-Applegate in 2020.

Hillary Hoffmann (Vermont) published [A THIRD WAY: DECOLONIZING THE LAW OF INDIGENOUS CULTURAL PROTECTION](#) (with Monte Mills), in July (Cambridge U. Press). Her forthcoming article “The Rocky Road to Energy Dominance: The Executive Branch’s Limited Authority to Modify and Revoke Withdrawals of Federal Lands from Mineral Production”), will be published in 33 GEO. ENVTL. L. REV., # 2 (with Rob Glicksman). In September, she filed an *amicus* brief, co-authored with Vermont Law School’s Ken Rumelt and Jim Murphy, on behalf of 37 members of Congress in the ongoing NEPA

litigation over the Dakota Access Pipeline easement. In October, she gave the Fall 2020 Robert H. McKinney Family Environmental Law Lecture (with Monte Mills) at Indiana University-Robert H. McKinney School of Law, “The Environment-Cultural Disconnect: Protecting Indigenous Cultures in an Exclusionary Context.” She was the Fall 2020 Robert H. McKinney Visiting Chair in Environmental Law at IU-McKinney School of Law and in November, she received the Vermont Law School 2020 Richard Brooks Award for Outstanding Scholarship.

Kevin Jones (Vermont) moderated a panel at the 11th Annual Colloquium on Environmental Scholarship, Vermont Law School, (September 26, 2020). He moderated “Climate Goals,” at the Vermont Journal of Environmental Law Annual Symposium, Vermont Law School (October 16, 2020).

Bill Keffer (Texas Tech), Professor of Energy Law, Director of Energy Law Programs. Texas Tech University launched a new degree in Fall 2020 - a Master of Science in Interdisciplinary Studies (MSIS) in Energy, with courses offered by instructors from the Petroleum Engineering Department, the National Wind Institute, the Energy Commerce Department in the Rawls College of Business, and the School of Law. It is designed primarily for working professionals but is open to all. The Permian Basin, an energy triple threat with oil and gas, wind, and solar, is Texas Tech’s next-door neighbor. All courses are offered online, with two, in-person, weekend visits to the Texas Tech campus each semester. Prof. Keffer is the Program Director and will be teaching the online course on Oil & Gas Law.

Kati Kovacs (Rutgers) won a Fulbright award to visit Hong Kong University, but couldn’t go because an Executive Order ended the Fulbright program in China. She organized a blog symposium on racism in administrative law: “[Introduction to Symposium on Racism in Administrative Law](#),” YALE J. ON REG.: NOTICE & COMMENT (July 13, 2020). She published

“Constraining the Statutory President,” 98 WASH. U. L. REV. 62 (2020), which Mila Sohoni reviewed: [“Administrative Law All the Way Up,”](#) JOTWELL: THE JOURNAL OF THINGS WE LIKE (LOTS) (Nov. 6, 2020). Kati has a follow-up piece, “The Supersecretary in Chief,” forthcoming at 94 S. CAL. L. REV. P.S. Kati spent the fall as a visiting professor at GW Law School teaching remotely from home in Philadelphia.

Sophia Kruszewski (Vermont) presented “Legal Resources for Food Hubs” at the National Good Food Network conference and “FSMA on Small and Mid-sized Farms: Compliance, Enforcement, and Beyond” (with Kelly Nuckolls and Brian Fink), American Agricultural Law Association Annual Agricultural Law Educational Symposium. In November, she moderated a panel in partnership with the U.S. Bankruptcy Court titled [“The Bankruptcy Code's Best-Kept Secret: How Chapter 12 Can Protect and Transform the Farm.”](#)

Katrina Fischer Kuh (Pace), Interim Associate Dean and Executive Director of Environmental Law Programs, was a panelist at the “3rd Annual International Environmental Law Year in Review” hosted by the International Environmental Law Committee with the Cyrus R. Vance Center for International Justice. In August 2020, she was appointed to serve as Co-Advisor on Ethics and the Profession for 2020–2021 for the ABA SEER. Her forthcoming co-authored publications include “Scientific Gerrymandering and Bifurcation: How a Common Procedural Device Rewards Corporate Deceit” in NYU ENVTL. L. J. and “Professional Responsibility and the Corporate Hoodwink: Using the Climate Disinformation Campaign to Examine the Ethical Responsibilities of Attorneys When Corporate Clients Mislead the Public to Avoid Government Regulation” in ENVIRONMENTAL LAW DISRUPTED. Professor Kuh organized the [Inaugural Elisabeth Haub School of Law Environmental Law & Policy Hack Competition](#), which took place on November 13, 2020

Jan Laitos (Denver) had published the following books within the past 8 months – LAW OF PROPERTY RIGHTS PROTECTION: LIMITATIONS ON GOVERNMENTAL POWERS (3d ed. Wolters Kluwer 2020); THE REGULATION OF TOXIC SUBSTANCES AND HAZARDOUS WASTE (Foundation Press Univ. Treatise Series 2020)(co-author); PRINCIPLES OF ENVIRONMENTAL LAW 2d ed. (West Academic 2020)(co-author); PIONEERS OF ENVIRONMENTAL LAW (12 Tables Press 2020)(co-editor). He co-authored a chapter on “Takings Law in Colorado,” in REGULATION OF COLORADO REAL PROPERTY 3d ed. (Colo. Bar Assoc. 2020). He presented a paper on “United States Regulation of Mineral Development” at the International Congress on Mining (Oct. 27, 2020, Instituto Argentino de Derecho Para La Minera), and in November of 2020 a paper to the Colorado Bar Association Section on Natural Resources Law entitled “Taking Seriously Private Property Rights During a Time of Hyper-Regulation.”

Mark Latham (Vermont) moderated a panel during Vermont Law School’s 11th Annual Colloquium on Environmental Scholarship and a panel on [“Clean Energy Justice”](#) at the Vermont Journal of Environmental Law Annual Symposium.

John D. Leshy (UC Hastings, Emeritus) is putting the finishing touches on a major work that has occupied him for years, a political history of America’s public lands from 1780 to the present entitled OUR COMMON GROUND. Yale U. Press will publish it in late 2021 or early 2022. He published a couple of articles drawing on the last part of the book, [“Still Made for You and Me?”](#) in THE AMERICAN SCHOLAR (Autumn 2020), 34-47; and [“Public Land Policy After the Trump Administration: Is This a Turning Point?”](#) 31 COLORADO NAT. RES., ENERGY & ENVTL L. REV. 471-507 (2020). He was [interviewed](#) at length by Mongabay, a conservation and environmental science news platform.

Yanmei Lin (Vermont) published “Waterkeepers' Environmental Public Interest Litigation Actions to Restore Watershed Health,” in the JOURNAL OF CHINESE PROSECUTORS. Her article, “Overview of Ecology Law Scholarship in the United States,” appeared in the ECOLOGY LAW REVIEW, edited by the Chinese Academy of Social Science, published by Law Press (2020). She published “A Perfect Storm: How China's Taizhou Case Marks the Beginning of a New Wave of Environmental Enforcement” (with Amy Pickering), an article in the book IMPACT OF ENVIRONMENTAL LAW, Edward Elgar (EE) Publications (2020). She presented “Forging Partnerships and Fostering Wisdom: Dynamics of Environmental NGO Networks in Advocating Sustainable Municipal Solid Waste Management in China,” at the 11th Annual Colloquium on Environmental Scholarship, Vermont Law School (September 26, 2020).

Janet Milne (Vermont) was a co-chair of the [21st Annual Global Conference on Environmental Taxation](#) (with Mikael Skou Anderson, Aarhus University, Denmark, and Hope Ashiabor, Macquarie University, Australia) in September. She chaired the Opening Plenary Session and Plenary Panel on Environmental Taxation in an Era of COVID-19 during the two-day event, which brought together 70 experts from six continents. Professor Milne published “How Durable is a Lockbox for Carbon Tax Revenue?” 17 PITTSBURGH TAX REV. 105; “Renewable Electricity and Tax Expenditures: Lessons from Two Countries” (with Marta Villar), 48 Intertax 369; and “Environmental Taxes” in Policy Instruments in Environmental Law 170-182, Vol. VIII of ELGAR ENCYCLOPEDIA OF ENVIRONMENTAL LAW (Kenneth R. Richards & Josephine van Zeben eds., 2020). She was also the co-editor of ECONOMIC INSTRUMENTS FOR A LOW-CARBON FUTURE, Volume XXI of Critical Issues in Environmental Taxation series, published in August.

Felix Mormann's (Texas A&M) recent and forthcoming publications in peer-reviewed

journals include: “[Why the Divestment Movement is Missing the Mark](#),” 10 NATURE CLIMATE CHANGE 1067 (2020) and “[Of Markets and Subsidies: Counterintuitive Policy Trends for Clean Energy in the European Union and the United States](#),” TRANSNATIONAL ENVIRONMENTAL LAW (2020 forthcoming). Recent and forthcoming work published in law reviews include: “[Beyond Algorithms: Toward a Normative Theory of Automated Regulation](#)” BOSTON COLLEGE LAW REVIEW (2020 forthcoming), “[Clean Energy Equity](#),” UTAH LAW REVIEW 335 (2019), and “[Betting on Climate Policy: Using Prediction Markets to Address Global Warming](#),” 52 U.C. DAVIS LAW REVIEW 1429 (2019) (with G. Lucas). Professor Mormann presented this and other work at George Washington University School of Law, UCLA School of Law, Arizona State University School of Law, the University of Tübingen, and the Environmental Works-in-Progress Symposium co-organized by the University of Colorado School of Law and UC Santa Barbara, among others. Earlier this year, Professor Mormann chaired Texas A&M University's 11th [Annual Energy Law Symposium](#).

Timothy Mulvaney (Texas A&M), Professor and Associate Dean for Faculty Research, authored “Takings Localism,” 121 COLUMBIA LAW REVIEW (forthcoming 2021) (with Fordham's Nestor Davidson); “Walling Out,” 71 SOUTHERN CALIFORNIA LAW REVIEW (forthcoming 2020) ([SSRN](#)) “A World of Distrust,” 120 COLUMBIA LAW REVIEW FORUM 153 (2020) ([SSRN](#)); and “The State of Exactions,” 61 WILLIAM & MARY LAW REVIEW 169 (2019) ([SSRN](#)). He presented various stages of these projects at Boston University Law School, Cornell Law School, Loyola Law School – Los Angeles, Northeastern University Law School, Syracuse University College of Law, and William & Mary Law School. He has been appointed as a Chancellor's EDGES Fellow at Texas A&M and as one of four inaugural Faculty Fellows of the Centre for Property Law at the University of Cambridge.

Jim Murphy (Vermont) filed an *amicus* brief, co-authored with Vermont Law School's Ken Rumelt and Hillary Hoffmann, on behalf of 37 members of Congress in the Standing Rock Sioux Tribe's lawsuit against the Army Corps of Engineers related to the Dakota Access Pipeline. This follows [a brief the trio filed earlier this summer](#) before a district court, which ultimately ruled in favor of the Standing Rock Sioux and other Native American tribes, shutting down the pipeline. Murphy also [published an op-ed](#) in The Hill about a new rule that weakens Section 401 of the Clean Water Act.

Smita Narula (Pace), Co-Director of the Global Center for Environmental Legal Studies, participated in a panel discussion "Caste in the Valley: Experiencing Discrimination in a Foreign Land", organized by the Global Initiative for Equity and Justice. She was a guest lecturer at Yale Law School's Environmental Protection Clinic, where she presented her paper "The 'Zero Hunger Goal' and the Need for a Rights-Based Approach to Food Security and Sustainable Agriculture," which is forthcoming in IMPLEMENTING THE SUSTAINABLE DEVELOPMENT GOALS: STRATEGIES FOR A LIVABLE WORLD. She also presented at an event co-sponsored by the Cardozo Law Institute in Holocaust and Human Rights and the Miami School of Law Human Rights Clinic on legal strategies to realize the rights to food, health and housing in the United States. She organized [The Elisabeth Haub Award for Environmental Law and Diplomacy Ceremony Event](#), which was held on October 12, 2020.

John R. Nolon (Pace) presented a paper in the Annual Meeting of the ABA's section on Probate, Trusts, and Property and State and Local Government. He is leading a team of two dozen student researchers under a [Land Use, Human Health, and Equity Project](#), with a goal of making accessible effective land use tools for strengthening public health and environmental protections in urban communities in response to the pandemic. In October 2020, he spoke

about this project in his presentation on "[Safe Buildings and Neighborhoods- Balancing Property Rights and Government Regulation in Time of Emergencies](#)." On October 30, at the 4th Annual Real Estate & Housing Summit sponsored by the Westchester County Bar Association, he was honored with a Special Recognition Award for "unparalleled leadership in land use and sustainable development law."

Aubin Nzaou-Kongo (Houston) has a book in press: NON-STATE ACTORS CLAIMS AND CLIMATE CASE LAW (2021) and is editing conference proceedings on GLOBAL ENERGY TRANSITION IN A CLIMATE CONSTRAINED WORLD (2021); edited ENERGY TRANSITION RESEARCH MATERIALS (2019); published two reviews on energy transition and environmental law and policy on the African Union and Republic of Congo, in 30 Oxford Yearbook of International Environmental Law (2020); an article on "Economic Sovereignty and Oil and Gas Law. Essays on Normative interactions between International Law and Constitutional Law" in LIBER AMICORUM ZAMORA (2020); (with Benjamin Boumakani) on "Les nouveaux aspects de la protection de l'environnement dans les codes des hydrocarbures des pays d'Afrique subsaharienne" in DROIT, HUMANITE et ENVIRONNEMENT (2020); (with Marceleau Biankola) on "Mining Law and Environmental Issues in Africa" in Energy and Climate Law Quarterly (2020); at University of Houston Law Center, he presented "Non-State Actors and Energy Transition. Prospects on the Role of Private Sector in Agenda 2030" (January 2020); chaired the virtual panel on "Non-Profit Energy Cooperatives" (April 2020); presented "International Organizations and the Promotion of a Global Approach of Energy Transition"; "Covid-19 and Transition to Low-Carbon Economy?" (April 2020), and "USMCA, Energy, Environment, and Health Challenges" (November 2020).

Mason Overstreet (Vermont) presented "Existing Legal and Regulatory Frameworks in Vermont Related to Surface Water Diversions

and Transfers” to Vermont’s Senate Committee on Natural Resources and Energy (September 16, 2020), and “Chemical Pesticides and Five Threatened and Endangered Bat Species: The ‘Take’ Threshold Under Vermont’s Endangered Species Act,” to the Vermont Endangered Species Committee (September 17, 2020).

Tade Oyewunmi (Vermont) is co-editor of a new book titled [DECARBONISATION AND THE ENERGY INDUSTRY: LAW, POLICY AND REGULATION IN LOW-CARBON ENERGY MARKETS](#) (with Penelope Crossley, Frédéric Sourgens, and Kim Talus), Hart Publishing, November 2020. He authored two chapters in the book: “The US Gas Supply Boom under Carbon Constraints: Examining the Role of Regulatory Institutions” and “Decarbonising Gas and Electricity Systems: An Outlook on Power-to-Gas and other Technology-Based Solutions.” He also wrote the chapter “Gas Commercialisation Projects in West Africa: Pipelines, LNG and Gas-to-Power” in [THE ROUTLEDGE HANDBOOK OF ENERGY LAW](#) by Tina Hunter et al. (eds) (Routledge, 2020). Professor Oyewunmi presented “[Decarbonization Options for Gas and Electricity Systems](#)” at the 1st Annual Global Energy Transition Law and Policy Conference at the University of Houston Law Center, and moderated a panel during Vermont Law School’s 11th Annual Colloquium on Environmental Scholarship in September. He was interviewed by the Extractive Hub for their [June 2020 Newsletter](#).

Gabe Pacyniak (New Mexico), presented his work-in-progress “Administering Climate Justice” at the 2021 AALS meeting, at a December 2020 “Climate Crisis” workshop hosted by the Stockholm Environmental Law and Policy Centre and the Elisabeth Haub School of Law at Pace University, and at a 2020 summer workshop for Early Career Energy Scholars Workshop hosted by the University of Colorado Law School. An earlier article, “Greening the Old New Deal: Reforming Rural Electric Cooperative

Governance,” 85 MO. L. REV. 409 (2020), was published this summer. This summer Gabe also coauthored a white paper surveying the legal, policy, and technical landscape with regards to grid modernization in New Mexico with staff from New Mexico’s energy department. Gabe is also working with stakeholders on potential climate change and energy legislation proposals for this upcoming state legislative session, including with anti-poverty advocates and utilities on legislation that would partially forgive utility arrears accumulated during the COVID public health crisis.

Patrick Parenteau (Vermont) presented “[Clean Water Act Update: The Maui Decision; WOTUS Wars Part Two; the World’s Worst Copper Mine; and More](#),” 2020 Hot Topics in Environmental Law Lecture Series, Vermont Law School (June 2020); “Using the Courts to Save the Planet,” Keynote Address, International Virtual Seminar on Climate Litigation as a Governance Tool, Duke-Kunshan University (November 24, 2020); “Global Climate Litigation: Successes and Setbacks,” International Virtual Seminar, University of Milan, Italy (October 30, 2020); and “Whiplash: Environmental Policy from Trump to Biden,” US District Court for Puerto Rico CLE for Judges and Practitioners (December 2, 2020). He published “[Return to Maui and Upstate Forever](#),” ACOEL BLOG (June 16, 2020), and “The Trump Court and the Decline of Environmental Law,” THE HILL (November 1, 2020).

Heather Payne (Seton Hall Law): “Energizing Efficiency” was accepted for publication in the STANFORD ENVIRONMENTAL LAW JOURNAL. “Rhinoceroses Are Not Like Sneakers: A Response” was accepted for publication by the OHIO STATE LAW JOURNAL ONLINE. Additionally, she published two blog posts regarding COVID-19 and air pollution and was quoted discussing lessons California should learn from the August blackouts. She presented on regulatory options to shut down the natural gas distribution system to the RMI Building Decarb Regulatory

Working Group and to participants of the AESP Fueling the Energy to Change conference

Justin Pidot (University of Arizona), Co-Director of the Environmental Law Program, published [“Compensatory Mitigation and Public Lands,”](#) 61 B.C. L. REV. 1045 (2020); [“Contingent Delisting,”](#) 91 COLO. L. REV. 649 (2020) (invited symposium); [“Environmental Nihilism,”](#) 10 AZ. J. ENVTL. L & POL’Y 106 (2019) (invited symposium); and [“The Bureau of Land Management’s Inform Compensatory Mitigation Policy,”](#) 30 FORDHAM ENVTL. L. REV. 1 (2019). He continues to serve as co-counsel alongside the Native American Rights Fund, to three tribes in the Bears Ears litigation, and co-authored *amicus* briefs in *Sturgeon v. Frost* (SCOTUS), involving the Park Service’s authority to regulate hovercraft on Alaskan rivers, and *CBD v. FWS* (9th Cir.), involving the Forest Service’s approval of the Rosemont Mine in Arizona. He joined the NEPAAccess research group in developing a knowledge platform to allow the public and stakeholders to access the more than 30,000 environmental impact statements prepared under NEPA. Over the summer, he began to write a monthly update on public land law circulated to a list serve of scholars interested in the field. His presentations included ones to the EarthJustice’s biannual litigation training conference and at the 56th Annual Federal Administrative Law Judges Conference Seminar.

Margot J. Pollans (Pace), Director of the Pace-NRDC Food Law Initiative, published [“Everything wrong with our food system has been made worse by the pandemic”](#) in the LOS ANGELES TIMES (May 4, 2020), and [“The Right Family”](#) in 39 COLUM. J. GENDER & L. 1 (2020) (with Noa Ben-Asher). She was also quoted in the article, [“7 ways the Trump administration has deregulated the food system during the Covid-19 pandemic”](#) on July 23, 2020.

Sarah Reiter (Vermont) presented “An Ocean-Climate Strategy to Achieve Ocean-Climate Health,” 11th Annual Colloquium on Environmental Scholarship, Vermont Law

School (September 26, 2020). She moderated the “Nature-Based Solutions” panel, Vermont Journal of Environmental Law Annual Symposium, Vermont Law School (October 16, 2020). She presented “International Ocean Governance - Applications at the Science-Policy Interface,” MSc in Biodiversity, Conservation and Management program, School of Geography and the Environment, University of Oxford (October 28, 2020); “Assessing Ambition and Conditionality in Nationally Determined Contributions under the Paris Agreement,” MSc in Biodiversity, Conservation and Management program, School of Geography and the Environment, University of Oxford (November 11, 2020); and “The New High Seas Treaty,” Environmental Studies Program, Dartmouth College (November 17, 2020).

Heidi Gorovitz Robertson (Cleveland State) published “Cities Seethe: A Case Study of Local Efforts to Influence Natural Gas Pipeline Routing Decisions” in 122 W. VA. L. REV. 881 (2020). She presented “The New ‘Waters of the United States’ Rule and Challenges Thereto” at the 20th Great Lakes Water Conference, sponsored by the Legal Institute of the Great Lakes (Toledo). She workshopped “Local Governments, Home Rule, and the Rights of Nature: Lessons from Afar on Protecting Close to Home” at the 2020 Environmental Scholarship Colloquium (Vermont). As 2019 Chair of the AALS Section on Natural Resources and Energy Law, she moderated the Section’s main program “Transnational Environmental Issues & the Role of States, Provinces, Cities, and Indigenous Communities” and both organized and moderated the Section’s Works-in-Progress Session. She was an invited panelist at the West Virginia Law Review’s Home Rule: A State and Local Law Symposium entitled “Home Rule and the Environment: Exploring how municipalities address environmental policy gaps including farmland solar policy and pipeline routing.” Finally, she served as the Academician on the ABA Site Evaluation Team for the University of Nevada-Las Vegas and as a Peer Reviewer for Fulbright Specialist Program.

Nicholas A. Robinson (Pace) continued with his research on zoonotic diseases and a ONE HEALTH approach. On July 15, he presented at the Global Pandemic Network's webinar event, "COVID-19 and Cities. Building Resilience on Human Rights and Environmental Protection." In October, he moderated an event for the United Nations on "[Strengthening Cooperation for International Environmental Law](#)" and presented at the "[Global Forum: Rights of Nature and the Human Right to a Healthy Environment in Dialogue](#)" on the topic of the "Rights of Nature". In November, he participated on a panel of experts convened by the World Bank and the Environmental Law Institute to advise Uzbekistan's parliament and environmental ministries regarding provisions for that Eurasian nation's new draft Environmental Code to build the basis for the green economy in Uzbekistan.

Jonathan Rosenbloom (Vermont) will publish "Local Variation to Lead the Disruption of Contemporary Environmental Law" (with Keith H. Hirokawa), in ENVIRONMENTAL LAW. DISRUPTED, Jessica Owley, Keith H. Hirokawa, eds.), ELI Press (forthcoming 2021); and "Outsourced Emissions: Why Local Governments Should Measure Consumption-Based Greenhouse Gases," UNIV. OF COLORADO L. REV. (2021). He presented "The Sustainable Development Code: Helping Local Governments Build Resilience and Adapt to Climate Change," during the 2020 Hot Topics in Environmental Law Lecture Series, Vermont Law School (June 2020); "Adaptive Zoning: Climate, COVID, and Racial Justice," AALS Webinar Series (August 11, 2020); "RISD Lawyers Industry Conversation," Rhode Island School of Design (June 2020); "Sustainable Land Use Codes," on ZoneCo, a planning and zoning podcast (December 15, 2020); "Remarkable Cities and the Fight Against Climate Change," Environmental Law Institute (December 10, 2020); "Sustainable Developers Roundtable," The Forbes Funds (November 18, 2020); and at the Fireside Chats with

Vermont's Environmental Law Society (November 16, 2020).

Ken Rumelt (Vermont) presented "PFAS Update" (with Emily Joselson) at the event "From Pennsylvania Ave. to State Street: Vermont's Evolving Environmental Practice in the 21st Century," Vermont Bar Association (October 8, 2020). This fall, Professor Rumelt also filed an *amicus* brief, co-authored with Vermont Law School's Hillary Hoffmann and Jim Murphy, on behalf of members of Congress in the Standing Rock Sioux Tribe's lawsuit against the Army Corps of Engineers related to the Dakota Access Pipeline. This followed [a brief the trio filed earlier this summer](#) before a district court, which ultimately ruled in favor of the Standing Rock Sioux and other Native American tribes, shutting down the pipeline.

John Ruple (Utah) published "[NEPA at 50—An Analysis of the Data in the Courts](#)," 66 ROCKY MTN. MIN. L. INST. 10.01 (2020) (with Heather Tanana); "[A Road Map to Net-Zero Emissions for Fossil Fuel Development on Public Lands](#)," 50 ENVTL. L. REP. 10734 (Sept. 2020) (with Jamie Pleune and Nada Culver); "[Debunking the Myths Behind the NEPA Review Process](#)," 35:1 NATURAL RES. & ENV'T 14 (2020) (with Heather Tanana); "[Measuring the NEPA Litigation Burden: A Review of 1,499 Federal Court Cases](#)," 50 ENVTL. L. 479 (2020) (with Kayla Race); "[Beyond the Antiquities Act: Can the BLM Reconcile Energy Dominance and National Monument Protection?](#)," 34:3 NATURAL RES. & ENV'T 8 (2020) (with Heather Tanana); "[Does NEPA Help or Harm ESA Critical Habitat Designations? An Assessment of Over 600 Critical Habitat Rules](#)," 46 ECOLOGY L. Q. 829 (2020) (with Michael Tanana and Merrill Williams); "[The Trump Administration and Lessons Not Learned from Prior National Monument Modifications](#)," 43 HARVARD ENVTL. L. REV. 1 (2019); and "Western Public Land Law and the Evolving Management Landscape," and "Wild Places and Irreplaceable Resources: Protecting Wilderness and National Monuments," in [THE ENVIRONMENTAL POLITICS AND](#)

[POLICY OF WESTERN PUBLIC LANDS](#) (Ore. State Univ. Press 2020).

Jennifer Rushlow (Vermont), Associate Dean for Environmental Programs, published "[Behind the Curtain: Insiders' View of Developing and Enforcing State Climate Change Laws](#)," (with Sue Reid), THE ENVIRONMENTAL LAW REPORTER (June 2020). She moderated a panel at the 11th Annual Colloquium on Environmental Scholarship, Vermont Law School (September 26, 2020). She was interviewed for an episode of Vermont Law School's Hothouse Earth Podcast titled "[Essential Yet Unprotected: Farmworkers in America.](#)"

Joseph Schremmer (New Mexico) presented at the 66th Annual Institute of the Rocky Mountain Mineral Law Foundation, and his paper "Crystal Gazing: Foretelling the Next Decade in Oil and Gas Law," is forthcoming in the Proceedings of the Annual Institute. Schremmer has another paper, "Pore Space Property," forthcoming as the lead article in Volume 2021 of the UTAH LAW REVIEW. His essay, "Join with me, Won't You? Civic Engagement, COVID-19, and the Millennial Generation of Law Professors," will appear in the JOURNAL OF LEGAL EDUCATION as part of a collection entitled "Get in Good Trouble: A Collection of Essays by Millennial Law Scholars." Going forward, Schremmer has joined Patrick Martin, Bruce Kramer, Keith Hall, and Tara Righetti in working on a new edition of THE LAW OF OIL AND GAS casebook (forthcoming 2021). Schremmer is also contributing to a new chapter on regulation of the oil and gas industry in the Environmental Law Institute's treatise, LAW OF ENVIRONMENTAL PROTECTION. Schremmer recently workshopped two new articles, one exploring the doctrine of waste across multiple fields of property and natural resources law (with co-author Tara Righetti) and one advancing the "fair opportunity" theory of subsurface property rights that he introduced in earlier works.

Emily Spiegel (Vermont) presented "Food Systems Resilience: Concepts and Policy Approaches" at the United States Agricultural Information Network conference (July 2020). Professor Spiegel organized and moderated the panel discussion "[Rooting Out Structural Racism in U.S. Agriculture](#)," an installment in Vermont Law School's Embedded Racism in the Law Panel Series (September 2020). As director of Vermont Law School's [Colloquium on Environmental Scholarship](#), she also hosted the 11th annual event in late September.

Laura Spitz (New Mexico) is working on a webinar series that brings experts together to strategize on ways that governments might hold fossil fuel companies legally accountable for climate change and other environmental impacts. The series is a joint initiative of three law schools and an environmental organization in Spitz' native British Columbia. During the current year she is visiting at one of these schools, Thompson Rivers University Faculty of Law in Kamloops, BC.

Rachel Stevens (Vermont) presented "Transportation Equity and Environmental Justice in Vermont," Vermont Transportation Efficiency Network (September 10, 2020). She presented "Transportation Equity," 24 Hours of Reality: Countdown to the Future, The Climate Reality Project (October 10, 2020).

Cliff Villa (New Mexico) completed updates to his forthcoming article, "Remaking Environmental Justice," 66 LOYOLA L. REV. ____ (2020) to address the disparate impacts of COVID-19 and begin to account for the racial violence and increasing disasters that have wracked the United States in 2020. Following publication of the co-authored book ENVIRONMENTAL JUSTICE: LAW, POLICY & REGULATION, THIRD EDITION (2020), he helped produce the accompanying Teacher's Manual and created a new supporting website, www.environmentaljusticebook.org, with open access to various teaching materials. In June, in the immediate wake of the police killing of

George Floyd, Villa helped organize and present a school-wide teach-in on Black Lives Matter. Over the summer, Villa presented via Zoom on “Environmental Justice and the Clean Air Act” for students at Barry University School of Law, and spoke with students from CUNY on “Superfund Meets Environmental Justice.” In October, Villa gave a presentation at the annual New Mexico Water Law conference, discussing the Supreme Court’s recent decision in *Atlantic Richfield v. Christian* (2020). In November, Villa spoke at a program sponsored by the UNM Medical-Legal Alliance, discussing his continued research on the Flint water crisis and presenting findings from a field visit to Flint in October.

Gina S. Warren (Houston) was named the new co-director of the [Environment, Energy, & Natural Resources Center](#) (EENR) at the University of Houston Law Center and chair of Academic Outreach for the [Institute for Energy Law](#). She published an article, “Big Sports Have Big Environmental and Social Consequences,” in [85 MISSOURI LAW REVIEW 495](#) (2020), and a book chapter, “Renewable Energy and Electric Power Connection” in *THE FUTURE OF U.S. – MEXICO RELATIONS: STRATEGIC FORESIGHT* ([Arte Publico, University of Houston](#), 2020). Warren presented her forthcoming article, “Marijuana, Energy & the Climate,” *___ Boston University Law Review ___* (2021) at Boston’s virtual conference entitled “[The Marijuana Law 2020: Lessons from the Past, Ideas for the Future](#)” (Nov. 2020). Warren also co-coordinated and moderated EENR’s 4th Annual North American Environment, Energy, and Natural Resources Conference, [The New Energy Landscape: COVID-19, Climate Change and Diversification](#) (Aug. 2020), moderated the “[Low-Carbon Electricity Grid](#)” symposium series for UH Energy (Oct. 2020), and presented her sustainable tourism research at the [11th Annual Colloquium on Environmental Scholarship](#) at Vermont Law School (Sept. 2020) as well as at the [Natural Resources and Energy Law, and Environmental Law Joint Works-in-Progress Session](#), 2020 AALS Meeting (Jan. 2020).

Jacqueline L. Weaver (Houston, Professor Emeritus) was honored by the Association of International Petroleum Negotiators (AIPN) as a Distinguished International Negotiator at its (virtual) annual award reception on November 12, 2020. In November, the new edition of “International Petroleum Law and Transactions” was released to the public by RMMLF. She wrote four of its chapters covering (1) an overview of the industry’s history; its main players, and its rocks (geology), reservoir management, risks (decision analysis under uncertainty) and reserves measurement; (2) decommissioning, oil spills and offshore safety; (3) sustainable development (including human rights, local community rights, parent corporate liability, the soft law of the UNGPs and other codes of conduct, and case studies of several major projects); and (4) the future of the petroleum industry to 2050 (summarizing many energy outlooks and scenarios and the transition to a lower-carbon energy future, including individual company’s business models). She returned from a Fulbright lectureship at the National Law University in Jodhpur India, on March 6, just before the pandemic shut down most international travel.

L. Kinvin Wroth (Vermont) will publish “Lawyers and Ecological Law,” a chapter in *FROM ENVIRONMENTAL TO ECOLOGICAL LAW* (Kirsten Anker, Peter D. Burdon, Geoffrey Garver, Michelle Maloney, & Carla Sbert, eds.), Routledge (forthcoming 2021). He presented “After NAFTA: The U.S. Mexico Canada Agreement and Sustainability,” 11th Annual Colloquium on Environmental Scholarship, Vermont Law School (September 26, 2020). He also received Vermont Law School’s Lifetime Scholarly Achievement Award. Professor Wroth has been a part of several academic institutions for more than 50 years, including Dean at both University of Maine (1980-90) and Vermont Law School (1996-2004), and has authored dozens and dozens of books, articles, book chapters, rules of the court, and others.

Tiffany B. Zezula (Pace) was honored by the Executive Committee of the New York State Council of Churches with the Affordable Housing and Community Development Award at their [5th Annual Awards and Fundraising Virtual Gala](#) on December 2, 2020. She was recognized for her expertise in helping municipalities and faith communities to work together and build strong and trusting relationships in preparation for affordable housing development.



Participants at the Texas A&M School of Law Second Annual EnviroSchmooze in August 2020. (Photo Credit: Gabriel Eckstein)