MELISSA POWERS

Associate Professor of Law

LEWIS & CLARK LAW SCHOOL

10015 SW Terwilliger Blvd. (503) 768-6727
Portland, OR 97219 powers@lclark.edu

EDUCATION

Northwestern School of Law of Lewis & Clark College, Portland, Oregon

J.D, magna cum laude, May 2001

Environmental and Natural Resources Certificate
Class Rank: 4; Top 3%
Dean's Scholar List
Natural Resources Law Institute Leadership Award
Natural Resources Scholarship
Steven Manas Scholarship
Cornelius Honor Society
Best Oral Advocate, 1L Legal Analysis and Writing Course
Best Brief, 1L Legal Analysis and Writing Course
Finalist, National Environmental Moot Court Competition

University of California at Berkeley, Berkeley, California

B.A., Environmental Sciences, December 1992

EXPERIENCE

Lewis & Clark Law School, Portland, Oregon

Associate Professor of Law, 2008-Present

Honors: Leo Levenson Award for Excellence in Teaching, 2012
Courses: Energy Law, Climate Change Law, Clean Air Act, Administrative Law, Torts
Service: IUCN Academy of Environmental Law, School Representative and Research Committee Co-Chair; Committees: Natural Resources, Appointments, Transportation and Parking, Curriculum

Lewis & Clark Law School, Portland, Oregon

Clinical Professor of Law, Pacific Environmental Advocacy Center, August 2003-April 2008

Co-instructed weekly classes with other professors; led complex litigation in federal and state courts; developed expertise in pollution control laws; supervised students' work on active cases, developed student research and writing assignments; conducted individual weekly student meetings to discuss legal issues and strategy.

Additional Courses: International Environmental Law, Climate Change and the Law, Clean Water Act, Ocean and Coastal Law, Environmental and Animal Moot Court, Introduction to Environmental Law and Policy (undergraduate course).

University of Trento, Trento, Italy

Visiting Professor, 2008, 2011, 2012

Courses: Climate Change Law, International Environmental Law – Marine Pollution and Fisheries

University of Navarra, Pamplona, Spain

Visiting Professor, 2011

Courses: Climate Change Law

University of Maine School of Law, Portland, Maine

Visiting Professor, 2007

Courses: Environmental Law, Coastal Zone Law, Independent Research

Western Environmental Law Center, Eugene Oregon

Attorney, July 2001-July 2003

Litigated environmental cases on behalf of environmental organizations and grassroots groups; primarily focused on Clean Water Act, Clean Air Act, and Resource Conservation and Recovery Act; supervised University of Oregon students in environmental litigation clinic.

Lewis & Clark College, Portland, Oregon

Assistant Instructor, Environmental Law and Policy, January 2003-May 2003

Assisted environmental studies professor with organizing and teaching undergraduate seminar; taught classes introducing students to environmental law and the Northwest Forest Plan; created legal research problems, edited student papers, and developed and graded final exams.

Northwest Environmental Defense Center, Portland, Oregon

Co-Student Director and Law Clerk, June 1999-May 2001

Taught basics of Clean Water Act to first-year law students; prepared litigation materials, researched and wrote litigation memoranda and documents; organized student volunteers, performed administrative and organizational duties; participated in board meetings and strategy sessions.

Lewis & Clark Law School, Portland, Oregon
Research Fellow for Professor Michael C. Blumm, July 1999-May 2001

Assisted Professor Blumm in writing a book (*Sacrificing the Salmon*) about the history and current status of salmon law in the Pacific Northwest; researched the Pacific Salmon Treaty, hatchery production, and other subjects; prepared memoranda; edited various chapters.

Lewis & Clark Law School, Portland, Oregon
Teaching Assistant, Legal Writing Program, August 1999-May 2000

Provided peer guidance to first-year law students; edited papers and outlines; helped students develop and improve legal writing and research skills; created hypothetical problems upon which students based their research and writing.

Earthjustice Legal Defense Fund, Seattle, Washington
Legal Intern, June 2000-August 2000

Researched legal questions and wrote memoranda in preparation for litigation; participated in strategy sessions and client meetings; focused on the Endangered Species Act and Clean Water Act.

Various Organizations, Oregon and Washington
Youth Instructor, 1995-2000

Led teenagers in conservation work, wilderness travel, and environmental education. Worked with Outward Bound, Northwest Youth Corps, and Wilderness Volunteer Corps.

PUBLICATIONS

Books

WOLD, HUNTER & POWERS, CLIMATE CHANGE AND THE LAW (2009).

Book Chapters

United States Municipal Climate Plans: What Role Will Cities Play in Climate Change Mitigation?, in LOCAL CLIMATE CHANGE LAW: ENVIRONMENTAL REGULATION IN CITIES AND OTHER LOCALITIES (THE IUCN ACADEMY OF ENVIRONMENTAL LAW SERIES) (ed. Richardson)(2012).

Land Use Regulation versus Property Rights: What Oregon's Recent Battles Could Mean for Sustainable Governance, in GOVERNANCE FOR SUSTAINABILITY: ISSUES, CHALLENGES AND SUCCESSES (eds. Bosselman, Engel, & Taylor) (2008).

CRIMES AGAINST THE ENVIRONMENT, 2004 Update (authored Chapters 4 and 5; Susan Mandiberg authored the remaining chapters) (2004).

Articles

Small is (Still) Beautiful: Designing U.S. Energy Policies to Increase Localized Renewable Energy Generation, 30 WIS. INT'L L. J (forthcoming 2012).

Country Report: USA, Climate Change in the Supreme Court, 1 IUCN ACADEMY OF ENVIRONMENTAL LAW E-JOURNAL 245 (2012).

King Corn: Will the Renewable Fuel Standard Eventually End Corn Ethanol's Reign?, 11 VT. J. ENVTL. L. 667 (2010).

The Cost of Coal: Climate Change and the End of Coal as a Source of "Cheap" Electricity, U. PA. J. BUS. L. 407 (2010).

Integrating the Clean Air Act with Cap-and-Trade, 37 RUTGERS L. REC. 150 (2010).

The New U.S. Renewable Fuel Standard: Slow Movements Towards Sustainability, IUCN ACADEMY OF ENVIRONMENTAL LAW E-JOURNAL (2010).

United States Country Report: Developments in Climate Change Law, IUCN ACADEMY OF ENVIRONMENTAL LAW E-JOURNAL (2010).

Avoiding Dam Breaching Through Offsite Mitigation: NMFS's 2000 Biological Opinion on the Columbia Basin Hydroelectric Operations, 32 ENVTL. L. 241 (2002) (*with* Michael C. Blumm).

The Spirit of the Salmon: How the Tribal Restoration Plan Could Restore Columbia Basin Salmon, 30 ENVTL. L. 867 (2000).

SELECTED PRESENTATIONS

Scholarly Presentations

The Fallacy of An "All-of-the-Above" Energy Policy, IUCN Academy of Environmental Law Colloquium, Baltimore, MD, July 2012

Generations of Environmental Law, AALS Mid-Year Meeting, Berkeley, CA, June 2012

Small is (Still) Beautiful, Designing U.S. Energy Policies to Promote Local Renewable Energy Generation, Wisconsin International Law Journal Symposium, Renewable Energy and Climate Change, University of Wisconsin, Madison, WI, March 2012

U.S Municipal Climate Plans: What Role Will Cities Play?, Workshop on Local Climate Law, University of British Columbia, Vancouver, British Columbia, Canada, October 2011

Climate Change Law, 2011 Environmental and Natural Resources Law Seminar, Federal Judicial Center and Lewis & Clark Law School, Portland, OR., Sept. 2011

Power from the People, Local Energy Production, Journal of Environmental Law and Litigation Symposium: The Local Revolution, University of Oregon, Eugene, OR, Sept. 2011

Grandfathered Imbalance, Environmental Law Professors Scholarship Colloquium, Vermont Law School, South Royalton, VT, Sept. 2011

Clean Water Act Permitting Integrity and the Avoidance of Regulatory Capture, IUCN Academy of Environmental Law Colloquium, South Africa, July 2011

Reconsidering Renewable Fuels: Designing Renewable Fuels Standards that Will Reduce Greenhouse Gas Emissions and Protect the Food Supply, IUCN Academy of Environmental Law and University of Ottawa Biofuels Conference, Ontario, Canada, June 2011

Power from the People: Distributed Generation, State Power, and Federal Preemption, Rocky Mountain Mineral Law Foundation, Natural Resources Law Teachers Institute, Stevens, WA, 2011

Grandfathered Injustice, IUCN Academy of Environmental Law Human Rights and the Environment Workshop, University of Ghent, Belgium, 2010

Separating the Wheat from the Chaff: The Federal Courts' Role in Preventing the Spread of Invasive Species, Colloquium, IUCN Academy of Environmental Law, University of Ghent, Belgium, 2010

Grandfathered Injustice, Lewis & Clark Law School Faculty Colloquium, Portland, OR, 2010

Domestic Efforts to Pass Climate Change Legislation, Southeastern Association of Law Schools Annual Meeting, Palm Beach, FL, 2010

U.S. Biofuels Policy, Biofuels Workshop, York University, Toronto, Canada, 2010

Closing Remarks, Clean Air Act at a Crossroads Conference, Lewis & Clark Law School, Portland, OR, 2010

King Corn: Will the Renewable Fuel Standard Eventually End Corn Ethanol's Reign?, Vermont Law School, South Royalton, VT, 2010

Copenhagen Climate Negotiations, Lewis & Clark Law School, Portland, OR, 2010

The New U.S. Renewable Fuel Standard, IUCN Academy of Environmental Law Biofuels Workshop, Wuhan, China, 2009

Constitutional Limitations of Regional Cap-and-Trade Agreements, University of Oregon Climate Change Symposium, Eugene, OR, 2009

The Cost of Coal: Climate Change and the End of Coal as a Source of "Cheap" Electricity, University of Pennsylvania, Philadelphia, PA, 2009

Fuel, Food and Farms: U.S. Biofuels Policy and the Food Crisis, IUCN Academy of Environmental Law Colloquium, Mexico City, Mexico, 2008

Beyond Cap and Trade: Embracing Technology-Based Standards in the Development of an Effective, Efficient, and Enforceable Climate Change Law, IUCN Academy of Law Colloquium, Paraty, Brazil, 2007

Down From the Mountain: The Uncertain Future of the Mountaintop Mining 'Fill Rule' in Light of Southeast Alaska Conservation Council v. United State Army Corps of Engineers, University of Maine School of Law Faculty Scholarship Exchange, Portland, ME, 2007

Mechanisms for Public Involvement in Environmental Compliance Enforcement, IUCN Academy of Law Colloquium, White Plains, NY, 2006

Lessons from the Montreal Protocol: How the Successes and Failures of the Treaty Governing Ozone Depleting Substances May Inform Future International Climate Change Agreements, IUCN Academy of Law Colloquium, Sydney, Australia, 2005

Other Presentations and Contributions

Renewable Energy's Uncertain Future, Lewis & Clark Law School, Speaking Series – Breakfast CLE, Portland, OR, January 2012

Energy Law Teachers Workshop, Vermont Law School, South Royalton, VT, 2010

Teaching Climate Change Law, Public Interest Environmental Law Conference, Eugene, OR, 2010

Domestic Climate Change Law, Environmental Law Training, Federal Judicial Center, Portland, OR, 2010

Teaching Climate Change Law, Public Interest Environmental Law Conference, Eugene, OR, 2009

Environmental Decisions Affecting Alaska Native Corporations, Alaska Bar Association, Anchorage, AK, 2008

Getting Federal Agencies to Comply with the Clean Water Act, River Network River Rally, Stevenson, WA, 2007

Effective Public Commenting on National Pollutant Discharge Elimination System Permit, River Network River Rally, Stevenson, WA, 2007

Lowering the Bar on Clean Water, Public Interest Environmental Law Conference, Eugene, OR, 2006

Environmental Enforcement, Continuing Legal Education, Environmental Law Education Center, Portland, OR, 2005

Citizen Suits, Continuing Legal Education, Multnomah Bar Association, Portland, OR, 2005

Clean Water Act Year in Review, Public Interest Environmental Law Conference, Eugene, OR, 2005

Clean Water Act Workshop, Public Interest Environmental Law Conference, Eugene, OR, 2005

Norden Revisited, Continuing Legal Education, Multnomah Bar Association, Portland, OR, 2005

Stormwater Pollution, Public Interest Environmental Law Conference, Eugene, OR, 2004

Clean Water Act Year in Review, Public Interest Environmental Law Conference, Eugene, OR, 2003

Hazardous Wastes in Fertilizers, Public Interests Environmental Law Conference, Eugene, OR, 2003

Using Federal Laws to Protect Imperiled Species, Animal Law Conference, Lewis & Clark Law School, Portland, OR, 2002

PROFESSIONAL ASSOCIATIONS

Board Member, Northwest Environmental Defense Center
Research Committee Co-Chair, IUCN Academy of Environmental Law
Member, Environmental Law Collaborative

BAR ADMISSIONS

Oregon State Bar
United States District Court for the District of Oregon
United States Court of Appeals for the Ninth Circuit
United States Court of Appeals for the District of Columbia Circuits
United States Supreme Court

OTHER INTERESTS

Cycling, pottery, traveling, cooking, and gardening.