ERIN RYAN

Associate Professor of Law
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EDUCATION

HARVARD LAW SCHOOL: *J.D., cum laude, 2001.*

- HARVARD LAW REVIEW, 1999-2001 (Notes Editor).
- Hewlett Fellowship, Harvard Program on Negotiation, 2000-2001.
- Harvard University Graduate National Scholarship.

WESLEYAN UNIVERSITY: *M.A. in World Music and Ethnomusicology, 1994.*

- Full-tuition Graduate Fellowship; thesis: Trinidadian steelband and post-colonial identity (280 pp.)

HARVARD-RADCLIFFE COLLEGE: *B.A. in East Asian Languages & Civilizations (China), cum laude, 1991.*

- Harvard-Radcliffe National Scholarship; Gutman Scholarship; Women's Leadership Conference.

RESEARCH EXPERTISE

Natural Resources Law: water law, forest resources, public lands, climate change, energy law, renewables & nuclear.
Negotiation: negotiation theory, intergovernmental bargaining, emotionality, land use negotiations, media negotiations.
Property Law: land use law, public trust doctrine, regulatory takings, exactions, property law theory, remedy rules.
Constitutional Law: federalism, interjurisdictional governance, Tenth Amendment, takings, environmental federalism.
China: Chinese environmental law, central-provincial relations, rule-of-law development; history, culture, and politics.

COURSES

• Natural Resources Law Survey (lecture course)	3 credits
• Living Natural Resources Law & Policy (seminar)	2 credits
• Water Law (seminar)	2 credits
• Negotiation & Settlement (skills and theory workshop)	4 credits
• Introduction to Interest-Based Bargaining (one day mini-course)	--
• Property Law (first year course)	4 credits
• Land Use Law (property material focusing on nuisance, servitudes, zoning, and takings)	2 credits

ACADEMIC APPOINTMENTS

Lewis & Clark Law School, Portland, OR *July, 2011 – present*
Associate Professor of Law. Teach Natural Resources, Water Law, Property, and Negotiation. Global Law Committee, Alumni Board, liaison with Chinese universities and alumni while on Fulbright leave in 2011-12.

Ocean University of China, School of Law and Political Science, Qingdao, CHINA *Sep. 2011 – July 2012*
Fulbright Professor of Law. Taught U.S. Property, Land Use Law, Natural Resources, and Negotiation to Chinese students. Lectured at Chinese universities nationwide as Fulbright Scholar. Researched Chinese politics & governance.

Marshall-Wythe School of Law, College of William & Mary, Williamsburg, VA *July 2004 – July, 2011*
Assistant Professor of Law (2004-2007); *Associate Professor of Law* (2008 - 2011). Taught courses in Property, Natural Resources Law, and Negotiation. University Committee on Sustainability, Academic Programs; Environmental Science and Policy Program, Executive Committee; Law School Faculty Research, Scholarship, and Enrichment Committee; Dean's Advisory Committee. Chair, W&M university-wide "Do One Thing for Sustainability ('DOT') Initiative.

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

ADVISING, CONSULTING, AND LEADERSHIP PROJECTS

• **Ocean University of China**, Qingdao, CHINA, February-June, 2012. Advised development of international exchange programs to integrate foreign teachers and students into Ocean University programs.

• **Virginia Sea Grant**, Gloucester, VA, November 2009-May 2011. Legal advisor to governance network study for National Sea Grant Law Center project researching interjurisdictional governance in the Chesapeake Bay watershed.

• **U.S. Air Force Air Combat Command**, Langley, VA, July 2010. Consulted (unpaid) with Air Force Air Combat Command Unit on instituting a sustainability program similar to the Do One Thing for Sustainability Initiative.

• **University Sustainability Consultations**, 2010**.** Advised Southern Methodist Univ., Catholic Univ., Virginia Tech, Salem College, and Anne Arundel Community College on university sustainability initiatives.

• **W&M Do One Thing ("DOT") for Sustainability**, 2009-2010. Led university-wide sustainability initiative involving 2,500 participants from five different colleges and all sectors of the campus community, including Chancellor Sandra Day O'Connor and former U.S. Deputy Attorney General and alum James Comey. DOT was covered by the Washington Post, National Public Radio, and regional press, helping to propel William & Mary into the Princeton Review's rankings of the nation's greenest colleges for 2010.

• **Audio Case Files,** Williamsburg, VA, 2005-2007. Faculty Advisor and Creative Director to online legal education technology start-up. Performed digital audio recordings of property cases taught in the first year law curriculum. Hosted pilot podcasts series of interviews with law faculty about important cases in the first year curriculum.

BOOKS

• **FEDERALISM AND THE TUG OF WAR WITHIN**, Oxford University Press, 2012 (proposing a theory of federalism that balances tension among federalism's underlying principles and the roles of the three branches in implementing it). http://www.oup.com/us/catalog/general/subject/Law/ConstitutionalLaw/?view=usa&ci=9780199737987; Oxford Online: http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199737987.001.0001/acprof-9780199737987.

LAW REVIEW ARTICLES, ESSAYS, & BOOK CHAPTERS (online at http://works.bepress.com/erin_ryan/)

• ***Adapting Socrates: Teaching Creative, Critical Thought in the Chinese Classroom***, forthcoming, 2013 (article coauthored with two Chinese students and two Chinese law teachers discussing law teaching pedagogy in China).

• ***Federalism Lessons for Climate Legislation***, forthcoming, 2013 (article analyzing points of jurisdictional overlap between existing state and local climate initiatives and proposed federal comprehensive climate legislation).

• ***The Once and Future Challenges of American Federalism***, *in* Alberto López Basaguren and Leire Escajedo San-Epifanio, eds., THE WAYS OF FEDERALISM IN WESTERN COUNTRIES AND THE HORIZONS OF TERRITORIAL AUTONOMY IN SPAIN, VOL. 1 (Springer, 2013) (book chapter analyzing current federalism controversies through the FEDERALISM AND THE TUG OF WAR WITHIN framework of analysis).

• ***In Tribute to Judge James R. Browning: The Center of His Circle***, 73 Montana L. Rev. 14 (2012) (invited short piece honoring the legacy of Judge Browning, Chief Judge Emeritus of the U.S. Court of Appeals for the Ninth Circuit).

• ***Negotiating Federalism***, 52 B.C. L. REV 1 (2011) (article exploring the role of state-federal bargaining in allocating authority, shepherding collaboration, and interpreting federalism in contexts of jurisdictional overlap). Cited by Professor Lawrence Solum on the Legal Theory Blog on April 7, 2010.

• ***Intergovernmental Bargaining and Climate Federalism***, United Nations Institute for Training and Research research paper, September, 2010 (web-published essay applying the negotiated federalism model in the specific context of multilevel climate governance), extrapolated from *Negotiating Federalism*.

• ***Federalism at the Cathedral: Property Rules, Liability Rules, and Inalienability Rules in Tenth Amendment Infrastructure***, 81 COLORADO L. REV. 1 (2010) (article critiquing the theoretical basis for, and practical implications of, the Court's creation in *New York v. United States* of an inalienability rule for Tenth Amendment entitlements). Cited in PERCIVAL, ET. AL., ENVIRONMENTAL REGULATION: LAW, SCIENCE, AND POLICY (Aspen, 6th ed., 2009). Also cited By Professor Benjamin Barros on the Property Prof Blog on March 4, 2009.

• ***How the New Federalism Failed Katrina Victims***, *in* Robin Malloy & John Lovett, eds., LAW AND RECOVERY FROM DISASTER: HURRICANE KATRINA (Ashgate Press, 2009) (book chapter addressing the relationship between federalism and the Katrina aftermath), drawn from *Federalism and the Tug of War Within*, 66 MD. L. REV. 503 (2007). Cited on the Legal Theory Blog (7/12/10), Law Matters Blog (7/12/10), and Poverty Law Blog (7/23/10).

• ***Reporting on Palin: Negotiations in Political Theater***, HARVARD NEGOTIATION LAW REVIEW ONLINE, October 2, 2008 (essay using negotiation theory as a lens for analyzing a campaign's efforts to manipulate its media coverage).

• ***Federalism and the Tug of War Within: Seeking Checks and Balance in the Interjurisdictional Gray Area***, 66 MARYLAND L. REV. 503 (2007) (article exploring how tension between underlying federalism principles shaped the progression of federalism theory over the 20th century, culminating in the New Federalism's difficulty accounting for interjurisdictional problems). Excerpted in STONE, SEIDMANN, SUNSTEIN, TUSHNET, & KARLAN, CONSTITUTIONAL LAW (Aspen, 6th ed., 2009) and FARBER, CHEN, & VERCHICK, DISASTER LAW AND POLICY (Aspen, 2010). Cited in the 2010 HARVARD LAW REVIEW "Foreword," Heather Gerken, *Federalism All the Way Down*, 124 HARV. L. REV. 4, 20-21, nn. 50 & 58 (as scholarship developing the kinds of "new conceptual tools" needed in the federalism discourse).

• **Palazzolo*, The Public Trust, and the Property Owner's Reasonable Expectations: Takings and the South Carolina Marsh Island Bridge Debate***, 15 S.E. ENVTL. L. J. 121 (2006) (invited symposium article reviewing the implications of the *Palazzolo v. Rhode Island* aftermath for takings claims relating to public trust tidelands and wetlands). Republished as a chapter in PROPERTY: A LEGAL PARADIGM (Amicus Books, 2009) and ENVIRONMENT AND THE PUBLIC TRUST DOCTRINE (Amicus Books, forthcoming, 2010).

• ***New Orleans, The Chesapeake, and the Future of Environmental Assessment: Overcoming the Natural Resources Law of Unintended Consequences***, 40 U. RICH. L. REV. 981 (2006) (invited lead article in symposium; tracing flood control and wetlands protection policies that led to New Orleans' post-Katrina flooding and Chesapeake Bay wetlands loss, and proposing a network-based model of assessment to help forestall future unintended consequences). Selected as one of the 20 best environmental law articles of 2006 by LAND USE & ENVIRONMENTAL LAW REVIEW faculty panel.

• ***Building the Emotionally Learned Negotiator***, 22 NEGOTIATION J. 209 (2006) (invited essay reviewing three recent books on emotion in negotiation, situating each work within a proposed theory of practice for learned negotiators). Quoted on second edition jacket of FISHER & SHAPIRO, BEYOND REASON (Viking, 2005).

• ***The Discourse Beneath: Emotional Epistemology in Legal Deliberation and Negotiation***, 10 HARV. NEGOT. L. REV. 231 (2005) (article exploring how the cognitive processing of emotionally resonant data facilitates inductive reasoning and how the subterranean exchange of emotional information between participants facilitates negotiation). Excerpted in BROOKS & MADDEN, RELATIONSHIP-CENTERED LAWYERING: SOCIAL SCIENCE THEORY FOR TRANSFORMING LEGAL PRACTICE (Carolina Academic Press, 2009).

• ***Zoning, Taking, & Dealing: The Problems and Promise of Bargaining in Land Use Planning***, 7 HARV. NEGOT. L. REV. 337 (2002) (article analyzing the theoretical disconnect between the Supreme Court's anti-bargaining takings jurisprudence and optimal practice of land use law). Republished in LAND USE AND PLANNING HANDBOOK (West Publishing, 2003 ed.).

• ***Public Trust & Distrust: Theoretical Implications of the Public Trust Doctrine for Natural Resource Management***, 31 ENVTL. L. 477 (2001) (essay contrasting the public trust with other theoretical frameworks for natural resource management and environmental protection). Included in Federalist Society CLE materials, July, 2005.

• ***ADR, the Judiciary, & Justice: Coming to Terms with the Alternatives***, 113 HARV. L. REV. 1851 (2000) (note reviewing developments in alternative dispute resolution and related due process issues).

OTHER PUBLICATIONS

• "**Negotiating Federalism Past the Zero-Sum Game**," (also reprinting *Spending Power Bargaining After Sebelius*) 38 ADMINISTRATIVE AND REGULATORY LAW NEWS __, Fall 2012, (invited essay reviewing the enterprise of state-federal intergovernmental bargaining that will be impacted by the Supreme Court's spending power analysis in its 2012 Affordable Care Act decision).

• "**Spending Power Bargaining After *Sebelius***," OUP BLOG, July 3, 2012 (essay commenting on the spending power implications of Chief Justice Robert's opinion in the Supreme Court's Affordable Care Act decision). Available at http://blog.oup.com/2012/07/spending-power-bargaining-after-obamacare/. (Versions of the same essay were published on the AMERICAN CONSTITUTION SOCIETY BLOG and the ENVIRONMENTAL LAW PROFS BLOG later that month.)

• "**Obamacare and Federal Authority**," THE OREGONIAN, June 27, 2012, at B-6 (op-ed discussing the core federalism issues in the Supreme Court's Affordable Care controversies). Linked to online guest column, "*Obamacare, Federalism, in Supreme Court Tug of War*," republishing original REGBLOG essay at http://www.oregonlive.com/opinion/index.ssf/2012/06/obamacare_federalism_in_a_supr.html.

• "**Health Care Reform and Federalism's Tug of War Within**," REGBLOG, AMERICAN CONSTITUTION SOCIETY BLOG, June 21, 2012 (essay explaining the battle over the Affordable Care Act in terms of the classic American federalism debates, and proposing a better way of analyzing this and all federalism issues). Available at http://www.law.upenn.edu/blogs/regblog/2012/06/21-ryan-federalism.html. (Republished on OXFORD BLOG, June 28.)

• "**Environmental Adventures in China**," Series on the ENVIRONMENTAL LAW PROFS BLOG, Spring 2012. Available at http://lawprofessors.typepad.com/environmental_law/. Sample post: "*China and the Rocky Mountain Arsenal*," February 28, 2012, available at http://lawprofessors.typepad.com/environmental_law/2012/02/china-environmental-experiences-2-rocky-mountain-arsenal.html.

• "**Do One Thing for Sustainability**," HAMPTON ROADS SMART REGION BLOG, March 19, 2010 (guest blog explaining the William & Mary "Do One Thing for Sustainability ('DOT') Initiative). Available at http://smartregion.org/2010/03/do-one-thing-for-sustainability/.

• "**Beyond I-Got-Mine-Jack Health Care**," versions published in the VIRGINIAN-PILOT (VA), September 21, 2009 at 9; the STAR LEDGER (NJ), September 22, 2009 at 13, and as a guest blog on the American Constitution Society at William & Mary School of Law, September 23, 2009 (op-ed urging those who warn that health care reform will lead to rationing not to forsake the victims of the rationing we already have). Available at http://acs.blogs.wm.edu/2009/09/29/i-got-mine-jack-health-care/.

• "**Breaking Ground on the New Green Deal**," AMERICAN CONSTITUTION SOCIETY AT WILLIAM & MARY SCHOOL OF LAW, Guest Blog, February 14, 2009 (op-ed urging reluctant members of Congress to act on stimulus proposals to invest in a renewable energy economy). Available at http://acs.blogs.wm.edu/2009/02/14/breaking-ground-on-the-new-green-

deal/. Republished October 1, 2009, by the Hampton Roads Partnership Blog.

• "**A Swing State Voter's Epiphany**," CHICAGO TRIBUNE, November 6, 2008, at C-43 (op-ed forecasting redemption for the fractured American electorate based on deep election-day kindnesses in politically divided southeastern Virginia). Republished November 7, 2008, by the Hampton Roads Partnership Blog at: http://smartregion.org/2008/11/the-american-way-a-swing-state-epiphany/.

• "**Protecting Even 'Incendiary' Speech from Censorship**," CHRONICLE OF HIGHER EDUCATION, March 18, 2005 (letter to the editor arguing that "the answer to disquieting speech is more speech" in response to controversy over Professor Ward Churchill's post-9/11 remarks). Available at http://chronicle.com/weekly/v51/i28/28b01701.htm.

• "**New Housing Laws Favor Developers**," WESTERN CITY, Vol. LXXXIX, No. 3 (March 2003), at 14 (article critiquing incentives for localities by new limits on judicial discretion in applying land use fee-shifting statutes). Quoted at length in the California State Senate's June 23, 2003 Bill Analysis for proposed SB 619, a bill seeking substantial reform of state law to expedite the development of affordable housing in California. (Bill Analysis available at ftp://leginfo.public.ca.gov/pub/03-04/bill/sen/sb_0601-0650/sb_619_cfa_20030630_121633_asm_comm.html.)

• **Commentary: *Vedanta Society of Southern Cal. v. California Quartet*** (limiting "private attorney general" fee-shifting under California Environmental Quality Act), 2003 CAL. ENVTL. L. REPORTER 16 (Jan. 2003).

• **Commentary: *Environmental Defense Center v. EPA*** (affirming in part and remanding in part EPA's Clean Water Act stormwater regulations), 2003 CAL. ENVTL. L. REPORTER 122 (March 2003).

• "**The Once and Future Farm: Keeping Farms in Vermont**," CONSERVATION MATTERS, Vol. VI, No. 3 (Fall 1999), at 32 (article contrasting environmentally unsound "factory" farming practices with stewardship approach of small farms, and proposing an economically sustainable intergenerational transfer program to forestall further decline).

• **THE WORCESTER REPORT**, The Better Homes Foundation, 1992 (monograph analyzing MA housing crisis).

OTHER MEDIA APPEARANCES

• **ENVIRONMENTAL LAW PROFS BLOG.** Contributing Editor, January, 2012 - present.

• **THE LONDON FINANCIAL TIMES.** Consulted on four occasions and quoted on July 18, 2010 by Michael Peele, Legal Correspondent for the London FINANCIAL TIMES, about the B.P. oil spill disaster and resulting litigation.

• **VCU STUDY ON UNIVERSITY SUSTAINABILITY.** Video interview with Virginia Commonwealth University researcher Renee Perron for a multimedia report on university sustainability programs on March 31, 2010.

• **NATIONAL PUBLIC RADIO.** Radio interview with Cathy Lewis on WHRV *Hearsay* program about the Do One Thing for Sustainability Initiative, February 23, 2010.

• **PBS NEWSHOUR/CHRISTIAN SCIENCE MONITOR "Patchwork Nation" Project.** Quoted by Anna Shoup, correspondent for the PBS/CSM Patchwork Nation project, for Hampton Roads insight on national issues such as climate change (October 2, 2009) and post-election politics (July 2, 2009).

• **WATCHDOGS AND LAPDOGS.** Online interview with media criticism webzine for a story about press coverage of Governor Sarah Palin's vice presidential campaign following my *Reporting on Palin* essay, November 6, 2008.

SELECTED LECTURES, PRESENTATIONS, & WORKSHOPS

- "**Wifi Without Potable Water: The Adventures of an Environmental Law Professor in China**," Lecture at Lewis & Clark Law School, Portland, OR, October 30, 2012.

- "**Cooperative Federalism: Can Governments Work Together?**" Panel Presentation, Oregon League of Women Voters, Portland, OR, October 9, 2012.

- "**Federalism and Secession**," Workshop at the University of San Diego, San Diego, CA, September 28-30, 2012.

- "**The Public Trust Doctrine from Los Angeles to Yosemite: Balancing Economic Development with Environmental Protection**," Lecture at Sichuan Univ., Chengdu, CHINA, June 15, 2012.

- "**Overview of the U.S. Legal System**," Workshop at Sichuan Univ., Chengdu, CHINA, June 14, 2012.

- "**Adapting Socrates: Teaching Critical & Creative Thought in the Chinese Context**," Panel Presentation at the Arizona State Univ. - Sichuan Univ. *Higher Education Creativity* Conference, Chengdu, CHINA, June 13, 2012.

- "**U.S. Land Use Law: Theories and Practices**," Lecture at Shandong Univ. of Finance & Economics, Jinan, CHINA, June 2, 2012.

- "**Introduction to Interest-Based Bargaining: A Problem Solving Approach to Negotiation**," Workshop at Shandong Univ. Law School, Jinan, CHINA, June 1, 2012.

- "**Federalism and the Tug of War Within**," Lecture at Xinjiang Normal Univ., Urumqi, CHINA, May 22, 2012.

- "**The Public Trust Doctrine from Los Angeles to Yosemite: Balancing Economic Development with Environmental Protection**," Lecture at Xinjiang Normal Univ., Urumqi, CHINA, May 23, 2012.

- "**Overview of the U.S. Legal System,**" Workshop at the Vietnam Academy of Social Sciences, Institute for State and Law, Hanoi, VIETNAM, May 10, 2012.

- "**The Public Trust Doctrine from Los Angeles to Yosemite: Balancing Economic Development with Environmental Protection**," Lecture at Vietnam Academy of Social Sciences, Institute for State and Law, Hanoi, VIETNAM, May 10, 2012.

- "**Introduction to Interest-Based Bargaining: A Problem Solving Approach to Negotiation**," Workshop at Sun Yat Sen Univ. Business School, Guangzhou, CHINA, April 28, 2012.

- "**Introduction to Interest-Based Bargaining: A Problem Solving Approach to Negotiation**," Workshop at Jinnan Univ. School of Management, Guangzhou, CHINA, April 28, 2012.

- "**The Public Trust Doctrine from Los Angeles to Yosemite: Balancing Economic Development with Environmental Protection**," Lecture at Sun Yat Sen Univ. Law School, Guangzhou, CHINA, April 26, 2012.

- "**Introduction to Interest-Based Bargaining: A Problem Solving Approach to Negotiation**," Workshop at Da Cheng Law Firm, Guangzhou, CHINA, April 27, 2012.

- "**The Public Trust Doctrine from Los Angeles to Yosemite: Balancing Economic Development with Environmental Protection**," Lecture at the American Consulate Public Affairs Center, Guangzhou, CHINA, April 26, 2012.

- "**Federalism and the Tug of War Within**," Lecture at Tsinghua Univ. Law School, Beijing, CHINA, April 12, 2012.

- "**U.S. Land Use Law: Theories & Practices**," Workshop at Tsinghua Univ. Law School, Beijing, CHINA, April 11, 2012.

- "**The Public Trust Doctrine from Los Angeles to Yosemite: Balancing Economic Development with Environmental Protection**," Lecture at Peking Univ. Law School, Beijing, CHINA, April 10, 2012.

- "**The Public Trust Doctrine from Los Angeles to Yosemite: Balancing Economic Development with Environmental Protection**," Lecture at Tsinghua Univ. Law School, Beijing, CHINA, April 9, 2012.

- "**Economic Development and Environmental Protection under the Public Trust: An American Story with Implications for Asia**," Campus Asia Endowed Lecture, Nagoya Univ., Nagoya, JAPAN, March 30, 2012.

- "**Federalism and the Tug of War Within**," Lecture at China Univ. of Political Science and Law, Beijing, CHINA, March 10, 2012.

- "**The Public Trust Doctrine from Los Angeles to Yosemite: Balancing Economic Development with Environmental Protection**," Lecture at China Univ. of Political Science and Law, Beijing, CHINA, March 9, 2012.

- "**Negotiating Environmental Governance within the American Federal System**," Lecture at Wuhan Univ. Law School, Wuhan, CHINA, March 2, 2012.

- "**The Public Trust Doctrine from Los Angeles to Yosemite: Balancing Economic Development with Environmental Protection**," Lecture at Wuhan Univ. Law School, Wuhan, CHINA, March 1, 2012.

- "**The Public Trust Doctrine from Los Angeles to Yosemite: Balancing Economic Development with Environmental Protection**," Lecture at Northeastern Univ. Law School, Shenyang, CHINA, December 16, 2011.

- "**The Public Trust Doctrine from Los Angeles to Yosemite: Balancing Economic Development with Environmental Protection**," Lecture at Renmin Univ. Law School, Beijing, CHINA, December 11, 2011.

- "**Introduction to Interest-Based Bargaining: A Problem Solving Approach to Negotiation**," Workshop at Renmin Univ. Law School, Beijing, CHINA, December 9, 2011.

- "**Mono Lake and the Unfolding Public Trust Doctrine in Environmental Law**," Lecture at China Univ. of Petroleum, Huangdao, CHINA, November 17, 2011.

- "**Mono Lake and the Unfolding Public Trust Doctrine in Environmental Law**," Lecture at Shandong Univ. of Technology, Huangdao, CHINA, November 17, 2011.

- "**Federalism and the Tug of War Within: Negotiating Environmental Governance**," Lecture at Ocean University of China, Qingdao, Shandong Province, CHINA, November 4, 2011.

- "**The Once and Future Challenges of American Federalism**," Keynote Address for "The Ways of Federalism and the Horizons of Spanish State Autonomy" Conference, University of the Basque Country, Bilbao, SPAIN, October 19, 2011.

- "**Negotiated Governance in American Federalism**," Panel Presentation for the Ninth Circuit Judicial Conference, Carlsbad, CA, August 16, 2011.

- "**Federalism and the Tug of War Within**," AALS 2011 Midyear Meeting, Washington, DC, June 21, 2011.

- "**Mono Lake, The Public Trust Doctrine, and Lessons for Negotiated Governance**," Lecture, William & Mary ADR Society and Environmental Law Society, Williamsburg, VA, March 30, 2011.

- "**The Emotionally Learned Negotiator**," Conference Workshop, Virginia Mediation Network, Richmond, VA, March 20, 2011.

- "**Federalism and the Tug of War Within: Perspectives from Land Use and Environmental Law**," Panel Presentation, *Federal and Local Land Law Intersections*, Assn. for Law, Property, & Society, Georgetown Univ., Wash., DC, March 5, 2011.

- "**Federalism and the Tug of War Within**," Book Presentation with Discussant, *Conference on Federalism and Its Future*, University of Texas, School of Law, Austin, TX, February 12, 2011.

- "**Negotiating Federalism**," Faculty Workshop, Univ. of Utah School of Law, Salt Lake City, UT, Feb. 9, 2011.

- "**Negotiating Federalism**," Faculty Workshop, Arizona State Univ. College of Law, Phoenix, AZ, Feb. 7, 2011.

- "**Negotiating Federalism**," Faculty Workshop, Lewis & Clark Law School, Portland, OR, Jan. 20, 2011.

- "**Negotiating Federalism**," Faculty Workshop, UCA-Irvine School of Law, Irvine, CA, Jan. 18, 2011.

- "**Negotiating Environmental Federalism**," Colloquium on Environmental Scholarship at Vermont Law School, South Royalton, Vermont, October 22, 2010.

- "**Intergovernmental Bargaining and Climate Federalism**," United Nations Institute for Training & Research, Second Global Conference on Environmental Governance and Democracy (co-sponsored with Yale Law School and the Yale Center for Envtl. Law and Policy, Yale School of Forestry), New Haven, CT, September 18, 2010.

- "**What the Constitution Tells Us About Environmental Law, and What Environmental Law Tells Us About the Constitution**," S.E. Assn. of Law Schools, Palm Beach, FL, July 29, 2010.

- "**From *Penn Central* to Balanced Federalism: Federalism and the Tug of War Within,**" AALS 2010 Midyear Conference on Property Law, New York, NY, June 12, 2010.

- "**Intergovernmental Bargaining in the Shadow of Climate Nuisance,**" AALS 2010 Midyear Conference on Property Law, New York, NY, June 11, 2010.

- "**Negotiating Federalism**," Virginia Junior Faculty Forum, Univ. of Richmond, Richmond, VA., May 4, 2010.

- "**Climate Federalism and Renewable Portfolio Standards,**" The Intersection of Renewable Energy Development and Geoengineering, Washington & Lee School of Law, Lexington, VA, March 19, 2010.

- "**Federalism at the Cathedral: Property Rules, Liability Rules, and Inalienability Rules in Tenth Amendment Infrastructure**," Assn. for Law, Property, & Society, Georgetown U. Law School, Washington, DC, March 6th, 2010.

- "**Negotiating Federalism**," Distinguished Speaker Series, American University, Washington School of Law, Washington, D.C., March 5, 2010 (formal comments by Professor Jonathan Siegel, George Washington U..).

- "**Negotiating Climate Change Federalism**," Assn. for Law, Property, & Society, Georgetown U. Law School, Washington, DC, March 5, 2010.

• "**Climate Change Federalism**," Office for Ecosystem Services and Markets Seminar, United States Forest Service Headquarters, Washington, D.C., December 8, 2009.

• "**Environmental Federalism and Intergovernmental Bargaining**," Institute for Bill of Rights Law, William & Mary Law School, Williamsburg, V.A., October 29, 2009.

• "**Bridging the Gap: Seamlessly Integrating Doctrinal and Skills Learning**," Southeast Association of Law Schools, West Palm Beach, FL, August 5, 2009.

• "**Sustainable Natural Resource Management: Fisheries**," Sustainable Businesses Seminar, Mason School of Business, The College of William & Mary, Williamsburg, VA, March 3, 2009.

• "**Federalism at the Cathedral: Property Rules, Liability Rules, and Inalienability Rules in Tenth Amendment Infrastructure**," Virginia Junior Faculty Forum, Richmond, VA, December 11, 2008.

• "**How Will Global Warming Change the Climate for Property Rights**," Panel Moderator; *Brigham-Kanner Property Rights Conference*, William & Mary Property Rights Project, Williamsburg, VA, October 18, 2008.

• "**Dispute Systems Design at the Birth of a Nation**," Roundtable Moderator; *Dispute Systems Design Across Contexts and Continents*, Program on Negotiation at Harvard Law School, Cambridge MA, March 8, 2008.

• "**Mono Lake and The New Public Trust**," 26th Annual International Submerged Lands Management Conference, Williamsburg, VA, October 29, 2007 (October 29, 2008).

• "**Building the Emotionally Learned Negotiator**," S.E. Assn. of Law Schools, Amelia Island, FL, August 1, 2007.

• "**Federalism Meets the Cathedral: Property, Liability, and Inalienability Rules in Contemporary Federalism Jurisprudence**," AALS Property Section Works in Progress Conference, Boulder, CO, June 14, 2007.
• "**Commentary: An Inconvenient Truth**," William & Mary Law School, Williamsburg, VA, February 27, 2007.

• "**Federalism and the Tug of War Within: Seeking Checks and Balance in the Interjurisdictional Gray Area**," Institute for Property, Community, & Social Entrepreneurship, Washington, DC, November 10, 2006.

• "**Transitions: To Academic Law**," Harvard Law School Reunion Program, Cambridge, MA, October 28, 2006.

• "**New Orleans, The Chesapeake, and the Future of Environmental Assessment: Overcoming the Natural Resources Law of Unintended Consequences**," Allen Chair Symposium on the Future of Chesapeake Bay, University of Richmond, Richmond, VA October 20, 2006.

• "**Public Trust and Distrust: The Theoretical Implications of the Public Trust Doctrine for Natural Resource Management**," Public Commons Project, College of William & Mary, Williamsburg, VA, October 9, 2006.

• "***Palazzolo*, The Public Trust, and The Property Owner's Reasonable Expectations**," Symposium on the Anniversary of *Lucas v. South Carolina Coastal Commission*, University of South Carolina, September 7, 2006.

• "**Federalism and the Tug of War Within**," S.E. Assn. of Law Schools, Palm Beach, FL, July 22, 2006.

• "**How the New Federalism Failed Katrina Victims**," Institute for Bill of Rights Law, William & Mary Law School, Williamsburg, VA, April 18, 2006.

• "**Understanding The ESA: Takes, Turns, and The Case of Tellico Dam**," Biology Department Seminar, The College of William & Mary, Williamsburg, VA, November 22, 2006.

- "**The Natural Resources Law of Unintended Consequences: How Mississippi Flood Control Helped Flood New Orleans**," *Environmental Risks and the Regulatory Climate After Katrina*, William & Mary Law School, Williamsburg, VA, October 19, 2005.

- "**Interjurisdictional Regulatory Problems and the New Federalism**," S.E. Assn. of Law Schools, Hilton Head, SC, July 17, 2005.

- "**Biotechnology & Bioterrorism**," Moderator, *Global Terrorism and its Impact on Sustainable Development: Exploring Linkages*, William & Mary Envtl. Law & Policy Review Symposium, Williamsburg, VA, February 4, 2005.

- "**The Powers of the Purse and the Permit: The Permissible Scope of Bargaining in Programs of Cooperative Federalism**," Chicago-Kent Law School, Hofstra Law School, Western New England School of Law, University of Nebraska School of Law, University of Richmond School of Law, Vermont Law School, William & Mary Law School, November 2003-January 2004 (faculty workshops/job talks).

- "**Saving Mono Lake: The Story of the New California Public Trust**," Harvard Environmental Law Society, Harvard Law School, Cambridge, MA, March, 1999.

OTHER EXPERIENCE

Shute, Mihaly & Weinberger, San Francisco, CA *Sept. 2002 – May 2004*
Environmental Fellow. Associate at public-interest law firm specializing in environmental, land use, and local government law. Assisted representation of California's South Coast Air Quality Management District before U.S. Supreme Court (defending low-emission vehicle fleet purchasing regulations against preemption challenge). Other clients included the Tahoe Regional Planning Agency, the Sacramento Area Flood Control Agency, the Alameda County Waste Management Authority, the El Dorado County Planning Commission, the City of Saratoga, San Francisco BayKeeper, Northern California WaterKeepers, the Sierra Club, and the Mono Lake Committee.

The Honorable James R. Browning,
U.S. Court of Appeals for the Ninth Circuit, San Francisco, CA *Sept. 2001 – Sept. 2002*
Judicial Law Clerk. Law clerk to Chief Judge Emeritus James R. Browning.

U.S. Department of State, Office of the Legal Advisor (L/OES), Washington, DC *July 2000 – Sept. 2000*
Law Clerk. Represented State Dept. in interagency conference on implementing the methyl bromide ban of the Montreal Protocol and Clean Air Act. Analyzed U.S.-Israeli Free Trade Agreement records to help prepare delegation negotiating like treaty with Jordan. Researched implications of National Security Act for State Department recruiting.

Jenner & Block, Washington, DC *June 2000 – July 2000*
Summer Associate. Analyzed Florida constitutional and redistricting law for Census 2000 voting rights project. Researched Gramm-Leach-Bliley Act privacy protections for patrons of financial services institutions.

Harvard Law School, Cambridge, MA *Fall 2000*
Teaching Assistant to Professor Anne-Marie Slaughter. "Perspectives on American Law," required course for international LL.M. students introducing different features of American constitutional, regulatory, and common law.

Conservation Law Foundation, Vermont Advocacy Center, Montpelier, VT *June 1999 – Aug. 1999*
Summer Associate. Developed small farm advocacy project (proposing intergenerational transfer programs to combat farm loss, riparian buffers to protect water quality, and economic strategies for remaining viable against larger competitors). Researched anti-sprawl legal strategies. Testified before Vermont legislative committees.

Mono Basin National Forest Scenic Area, USDA Forest Service, Lee Vining, CA *Aug. 1996 – May 1998*
Interpretive Ranger and Internet Project Coordinator. Conducted environmental education programs for student groups and general public. Designed multimedia exhibits and authored interpretive print materials. Managed computer systems and visitor center bookstore. Received National Interpretive Media Award for MBNFSA web site, 1997.

New York University, Office of the Dean, New York, NY *Dec. 1994 – Aug. 1996*
Assistant to the Dean of Libraries and NYU Press. Responded to issues of intellectual freedom and new technologies. Administered academic services and faculty recruiting. Provided Internet trainings; designed online library exhibits.

Wesleyan University, Middletown, CT *Sept. 1992 – Oct. 1994*
Translator and Cataloger of Chinese Materials, Music Library (May 1993 – Oct. 1994). Translated Chinese and other collection holdings. *Teaching Assistant, Music Department.* Choir (1992-93); Steelband (1993-94).

Better Homes Foundation, Newton Centre, MA *Sept. 1991 – Sept. 1992*
Public Policy Researcher. Researched public policy, demographic, domestic violence, and childcare issues for family homelessness foundation. Participated in NIMH-sponsored population study of housing crisis in Worcester, MA.

Harvard University, Office of Race Relations and Minority Affairs, Cambridge, MA *Oct. 1991 – Sept. 1992*
Assistant to Dean for Race Relations & Minority Affairs. Administered outreach programs, facilitated incident management, researched issues of race and higher education. Counseled other universities on initiating like programs.

GREATER ACADEMIC SERVICE

AALS Section on Property, Executive Board Member (2010-11).
AALS Section on Natural Resources Law, Executive Board Member (2010-11).
Harvard Environmental Law Society, Alumni Board Member (2006-present).