

## **VICTOR BYERS FLATT**

**Tom and Elizabeth Taft Distinguished Professor of Environmental Law  
Director, Center for Law, Environment, Adaptation and Resources (CLEAR)**

University of North Carolina-Chapel Hill School of Law  
Van Hecke-Wettach Hall, CB 3380, Chapel Hill, NC 25999-3380  
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## **EMPLOYMENT**

### **Academic Institutions-Tenured and Tenure Track**

**UNIVERSITY OF NORTH CAROLINA SCHOOL OF LAW** July 2009-present  
Tom and Elizabeth Taft Distinguished Professor of Environmental Law  
Director, Center for Law, Environment, Adaptation, and Resources (CLEAR)  
Taft Distinguished Visiting Professor of Environmental Law, Fall 2008  
(*Environmental Law, Natural Resources, Carbon Trading and Environmental Markets, International Environmental Climate Change Law, Interagency Environmental Cooperation*)

**UNIVERSITY OF HOUSTON LAW CENTER** July 2002-July 2009  
A.L. O'Quinn Chair in Environmental Law  
Director, Center for Environment, Energy, and Natural Resources Law, 2007-2009  
Associate Dean for Academic Affairs, 2006  
(*Environmental Law, Natural Resources Law, Torts, International Environmental Climate Change Law, Interagency Environmental Cooperation, Carbon Trading*)

**GEORGIA STATE UNIVERSITY COLLEGE OF LAW** July 1995-July 2002  
Associate Professor of Law, 1995-1997  
Professor of Law, 1997-2002  
(*Environmental Law, Natural Resources Law, Torts, Law of Hazardous Waste, Administrative Law*)

**UNIVERSITY OF WASHINGTON GRADUATE SCHOOL OF PUBLIC AFFAIRS** June 1993- July 1995  
Acting Assistant Professor, 1993-94; Assistant Professor, 1994-95,  
(*Law and Public Policy; Environmental Law and Policy, Quantitative Methods, Sexual Orientation and Public Policy*)  
1993-1994 Teaching Excellence Award

### **Academic Institutions Visiting, Summer, and Courtesy Appointments**

**UNIVERSITY OF HOUSTON BAUER COLLEGE OF BUSINESS,  
GLOBAL ENERGY MANAGEMENT INSTITUTE** July 2009-present

Distinguished Scholar in Carbon Markets and Carbon Trading (special scholar appt)  
(*Carbon Trading*)

**ENVIRONMENTAL LAW INSTITUTE VISITING SCHOLAR**

Work on climate change adaptation; energy and climate change      Fall 2011

**SEATTLE UNIVERSITY SCHOOL OF LAW**

Visiting Professor, (*Alaska Natives and Environmental Law – focus on climate change and offshore oil resources*), Summer in Alaska program, (with the University of Alaska Anchorage),      July 2005, 2007-2010

Visiting Professor (*Administrative Law, Environmental Law*),      Fall 2001, Spring 2007

**ROGER WILLIAMS UNIVERSITY SCHOOL OF LAW**

July 2004-July 2005

Distinguished Visiting Professor of Law/Marine Affairs  
(*Environmental Law, Property, Interagency Environmental Cooperation*)

**UNIVERSITY OF GEORGIA SCHOOL OF LAW**

Spring 2002

Visiting Professor (*Administrative Law*)

**UNIVERSITY OF WASHINGTON SCHOOL OF LAW**

Summers 2000-2003

Visiting Professor (*Administrative Law*)

**UNIVERSITY OF WASHINGTON GRADUATE SCHOOL OF PUBLIC  
AFFAIRS AND LAW SCHOOL (joint appointment)**

Summers 1997-1999

Visiting Professor (*Administrative Law*)

**OTHER LEGAL EMPLOYMENT**

**THE HONORABLE DANNY BOGGS, U.S. COURT OF APPEALS FOR THE  
SIXTH CIRCUIT**

Aug.1988- Aug. 1989

Law Clerk

**THE HONORABLE FAYE C. KENNEDY, WASHINGTON STATE COURT OF  
APPEALS, DIVISION I**

Dec. 1990-June1993

Attorney, Law Clerk (specializing in environmental law)

**HILLIS CLARK MARTIN & PETERSON**

Aug. 1989-Dec.1990

Associate Attorney

**EDUCATION**

**NORTHWESTERN UNIVERSITY SCHOOL OF LAW**

1985-1988

J.D., Cum Laude

Order of the Coif

John Henry Wigmore Scholar (Full Academic Scholarship)  
Dean's List (all semesters)  
National Lesbian and Gay Law Students Association, Co-founder and former director  
Miner Moot Court Board  
Northwestern Law Lesbian and Gay Alliance, co-chair  
Alumni Relations Committee, chair  
Research assistant for Professor Ken Abbott

**VANDERBILT UNIVERSITY**

1981-1985

B.A., Chemistry and Mathematics, Magna Cum Laude

Phi Beta Kappa

Harold Stirling Vanderbilt Scholar (Full Academic Scholarship)

Honors Research Program (Organometallic Chemistry)

Mortar Board (service and academic honorary)

Omicron Delta Kappa (leadership honorary)

Phi Lambda Upsilon (lifetime chemistry honorary)

Mathematics Club, vice-president

Lotus Eaters (sophomore academic honorary), president

Vanderbilt University Concert Choir, treasurer

Varsity College Bowl

Vanderbilt University Theatre

**PUBLICATIONS (book)**

Legal Protection of the Environment (with Johnston, Funk) (Third Ed. 2010)

*Domestic Disaster Preparedness and Response* in Climate Change Adaptation (Gerrard and Kuh, eds., ABA 2012)

Legal Protection of the Environment (with Johnston, Funk) (Second ed. 2007)

*Federal Climate Change Legislation*, in Climate Change Reader (Rodgers, ed., 2011)

*Reforming The Clean Air Act*, in CPR for the Environment: Breathing New Life into the Nation's Major Environmental Statutes (Flournoy, Shudtz, eds. 2007)

Legal Protection of the Environment (with Johnston, Funk) (Thomson/West 2005)

The Control of Air Toxics: Toxicology Motivation and Houston Implications (with Clements, Fraser, Hamilton, Ledvina, Mathur, Tamhane, and Ward); section 3.2 et seq. (regulation in other states and implications for Texas and Houston laws); downloadable at [http://www.envirohealthhouston.org/Files/AIRTOXICS\\_RPT\\_20061001.pdf](http://www.envirohealthhouston.org/Files/AIRTOXICS_RPT_20061001.pdf)

**PUBLICATIONS (Journal)**

Adapting Laws for a Changing World – A Systemic Approach to Climate Change Adaptation, 64 Fla. L. Rev. (special issue on climate change with Heinzerling, Ruhl, Markell, Krakoff, and Owens – January 2012).

Climate Change and the Puget Sound: Building the Legal Framework for Adaptation, (with Huang, Glicksman, O’Neill, Andreen, Funk, Craig, and Verchick), *Climate Law* 2 (2011) 299-344.

Adaptation, Legal Resiliency, and the U.S. Army Corps of Engineers: Managing Water Supply in a Climate-Altered World, with Jeremy M. Tarr, 89 N.C. Law. Rev. (Issue 6, 2011) *in symposium on Adaptation and Legal Resiliency*.

“Offsetting” Crisis? – Climate Change Cap and Trade Need Not Contribute to Another Financial Meltdown, 39 Pepperdine Law Rev. (forthcoming lead article, February 2012).

The “Worst Case” May be the Best – Rethinking NEPA Law to Avoid Future Environmental Disasters, 7 J. Env & Energy L. & Pol’y Rev. (forthcoming summer 2012) *in symposium on Coping with Environmental Disaster*.

Adapting Energy and Environmental Policy for Climate Change, 11 Vermont Journal of Env’tl L. 655 (Vol. 4, Summer, 2010) *in symposium on Surviving and Thriving in the Face of Climate Change* (lead article)

Environmental Enforcement in Dire Straits-“There is No Protection for Nothing and No Data for Free,” (with Paul M. Collins, Jr.) 85 Notre Dame L. Rev. 55 (Issue 1, November 2009) **(Selected by the Environmental Law Institute as one of the 4 best environmental law articles of 2009; summarized with commentary in symposium, April 15, 2011, and reprint in Environmental Law and Policy Annual Review)**

The History of State Action in the Environmental Realm: A Presumption Against Preemption in Climate Change Law?, for *Preemption in Climate Change*, 2009 symposium, 1 San Diego J. Climate & Energy L. 63 (2010)

Paving the Legal Path for Carbon Sequestration, 19 Duke Env’tl. L. & Pol’y J. in *Symposium on Environmental Advice for the New Administration* (Summer 2009)

Act Locally, Affect Globally: Why Local Government is the Best Arena for Engagement and Work with the Private Sector to Control Environmental Harms, in *Symposium on Greening the Corporation*, 2007 symposium issue, 35 Boston Coll. Env’tl. Aff. L. Rev. 455 (2008); **(Selected as a finalist for inclusion as one of the best land use and environmental law articles of the year in Journal of Land use and Environmental Law 2009)**

The Climate for Climate Change Legislation, 102 Nw. U.L. Rev., 102 Nw. U. L. Rev. Colloquy (2007-08) (reprinted in Carlson, et al., *Environmental Law*)

Gasping for Breath: The Administrative Flaws of Federal Hazardous Air Pollution Regulation, 34 Ecology Law Quarterly 107 (Spring 2007) **(Reprinted as one of the ten best environmental or land use law articles of the year in the Journal of Land Use and Environmental Law 2008)**

The “Benefits” of Non-Delegation: Using the Non-delegation doctrine to bring Rigor to Benefit-Cost Analysis, 15 William & Mary Bill of Rights Journal 1087 (Spring 2007) (lead article, Vol. 4) (reprinted in Zerbe, Research in Law and Economics, Vol. 23, Elsevier Ltd 2007).

Let Us Drink Our Fill, 17 Yale Journal of Law and Humanities (May 2006) *in symposium article, The Properties of Carol Rose*, Yale Law School, November, 2005.

What is the Best Formula to Protect the Environment in Electricity Restructuring?, 1 U. H. Env. & Energy Law & Policy Journal 221 (Spring 2006), *in symposium on Energy and the Environment*.

This Land is Your Land: Our Right to the Environment, 107 W. Va. L. Rev. 1 (Vol. 1), (October 2004), lead article, featured article. **(Selected as a finalist for inclusion as one of the best land use and environmental law articles of the year in Journal of Land use and Environmental Law 2005)** .

Spare the Rod and Spoil the Law: Why the Clean Water Act has Never Grown Up, 55 Ala. L. Rev. 595 (2004) *in symposium on The Clean Water Act at Thirty*.

Let the People Speak: Notice and Comment-Rulemaking (Lessons from the Controversial New Source Review Proposal of the Clean Air Act), 34 Environmental Law Review (ELR) 10115 (with O’Hear, Verchick, et al.) (2004).

The Enron Story and Environmental Policy, 33 Environmental Law Review (ELR), 10485 (2003), reprinted, in *Enron: Corporate Fiascos and Legal Implications* (Rapoport and Dharan, eds. Foundation press, 2003).

Notice and Comments for Nonprofits, 55 Rutgers Univ. L. Rev. 65 (Vol. 1 2003).

When Torts is More Than a Series of Accidents: Epstein on Torts, 26 Seattle Univ. L. Rev. (2001) *in symposium on Torts Textbooks*.

"He Should at His Peril Keep It There": How the Common Law Tells us That Risk Based Corrective Action is Wrong, 76 Notre Dame L. Rev. (Vol. 2, 2001) (lead article) **(Selected as a finalist for inclusion as one of the best land use and environmental law articles of the year in Journal of Land use and Environmental Law 2002)**; reprinted in "Specialty Law Digest-Environmental Law 2002"

Saving the Lost Sheep (Bringing Environmental Values Back Into the Fold with a New EPA Decision Making Paradigm), 74 Washington Law Review No.1 (1999) (lead article) (excerpted in Risk Analysis Anthology, 2006, McGarity, Shapiro, eds.)

A Dirty River Runs Through It (The Failure of Enforcement in the Clean Water Act), 25 Boston College Environmental Affairs Law Review (Silver Anniversary Edition), p.1(Vol. 1, Fall 1997) **(Reprinted as one of the ten best environmental or land use law articles of 1998 in the Journal of Land Use and Environmental Law 1998)**

The Effects of State and Local Antidiscrimination Policies for Sexual Orientation, 17 Journal of Policy Analysis and Management, No. 4 (Fall 1998)(co-authored with Marieka Klawitter)

Environmental Contraction for America? (Or How I stopped Worrying and Learned to Love the EPA), 29 Loyola of Los Angeles Law Review, p. 585 (Vol. 2, Jan. 1996)

The Human Environment of the Mind: Correcting NEPA Implementation by Treating Environmental Philosophy and Environmental Risk Allocation as Environmental Values Under NEPA, 46 Hastings Law Journal, p. 85 (Fall 1994) **(Selected as a finalist for inclusion as one of the best land use and environmental law articles of the year in Journal of Land use and Environmental Law, 1995) (Selected as Law Review Nugget, in ABA Natural Resource and Environmental Law Journal, Winter 1996)**

Should the Circle Be Unbroken: A Review of "Breaking the Vicious Circle," by the Honorable Stephen Breyer, 24 Environmental Law, p. 1707 (Fall 1994)

A Brazen Proposal: Using Zoning and Eminent Domain to Increase the Lower Income Housing Stock, 5 Stanford Law and Policy Review, No. 2, Page 115 (Spring 1994) (Reprinted at 1995 Zoning and Planning Law Handbook)

OSHA Regulation of Low Exposure Carcinogens: A New Approach to Judicial Analysis of Scientific Evidence, 14 University of Puget Sound Law Review, p. 283 (Winter 1991)

## **PUBLICATIONS (MEDIA)**

“Flatt Out Environmental,” blog, Houston Chronicle, 2008-present,  
<http://fuelfix.com/flattoutenvironmental/>

Center for Progressive Reform Blog Contributor, 2007-present,  
<http://www.progressivereform.org/CPRBLog.cfm>

“Why Marriage Amendment Would Hurt Business,” Winston-Salem Journal op-ed, September 9, 2011.

“What if Drilling Goes Really Wrong?” Raleigh News and Observer op-ed, July 6, 2010.

“Did One Week Change Energy Fortunes Forever?” Houston Chronicle op-ed, May 9, 2010; reprinted Houston Chronicle, May 11, 2010.

“Warming Woes and the World’s Women,” Raleigh News and Observer op-ed, Dec. 7, 2009 (with Professor Donna Surge).

“Importance of Waxman-Markey Climate Bill,” Atlanta Journal Constitution op-ed, May, 2009 (with Professor Bill Buzbee)

“Climate Bill Good First Step in Long Arduous Trip,” Houston Chronicle op-ed, April 25, 2009 (with Professor Bill Buzbee)

“Palin’s Energy Experience not Kind We Need,” Houston Chronicle, op-ed, September 7, 2008

“Energy Policy: Environment Merits Attention,” Houston Chronicle, op-ed, February 2008

“Air Toxics in Houston,” Houston Chronicle op-ed, February 2007.

“EPA Should Just Say No to Extension,” Houston Chronicle, op-ed, December 2006.

“The U.S. Constitution and Gay Marriage,” Web streaming video, broadcast, for U.S. Constitution Day for the University of Houston, 2005, 2006, 2007, 2008, 2009, 2010, at <http://www.uh.edu/constitutionday/lectures.html>.

“Warming to Houston as Leader on the Environment,” Houston Chronicle, op-ed, April 21, 2006.

“Separate But Equal Now Part of Gay Marriage Debate,” Salt Lake City Tribune, op-ed, May 16, 2004.

“EPA Lawlessness will Hurt Industry Too,” Houston Chronicle, op-ed, October 27, 2003.

“Group Call for De-Legalization of Marriage,” interview, Fox News Special Report, October 9, 2003.

“Bush De-Regulation of the Environment,” Houston Chronicle, op-ed, April 13, 2003.

“U.S. Supreme Court Should Reverse Texas Sodomy Law,” Houston Chronicle, op-ed, December 2002.

“Environmental Deregulation Could Cause Problems,” Atlanta Journal Constitution, op-ed, April 2002.

Diversity, Discrimination, Affirmative Action, and the Gay/ Lesbian Experience, 49  
Washington State Bar News, No. 8, p. 21 (August 1995)

## **FUNDED GRANT PARTICIPATION as co-principal**

Implementing Offset Policy Options for Greenhouse Gases in EPA Regulation (Research Triangle Institute, The Nicholas Institute for the Environment, Center for Law, Environment, Adaptation and Resources-UNC Law), principal investigator: George Van Houtven (2010-2011)

Assessing Long Term Disaster Recovery Planning Capacity at the State Level (University of North Carolina, Department of Homeland Security Center of Excellence, Center for Law, Environment, Adaptation, and Resources-UNC Law), principal investigator: Gavin Smith (2010-2011)

Policy Options for Operation of Kerr Lake, North Carolina (University of North Carolina), principal investigator: Richard Whisnant (2008-09)

Houston Air Toxics and Policy Responses, (with Rice University, Baylor Medical Center, Texas Medical Branch- Galveston, Texas Southern University, and the University of Houston), principal investigator: Dr. Matt Fraser (2006-07)

## **SELECTED PUBLIC PRESENTATIONS**

“The Federal Government and Climate Change Adaptation,” Environmental Law Institute Seminar, Dec. 1, 2011, Washington D.C. and teleconference.

“Accountable Nutrient Trading,” in CPR’s Accountability for the Chesapeake, Moderator, October 21, 2011, University of Maryland School of Law, Baltimore, MD.

“The Role of Non-profits in Disaster Response and Climate Change Adaptation,” for Socio-legal Studies and Disaster, July 22, 2011, Onati, Spain

“Environmental Enforcement in Dire Straits,” Environmental Law Institute’s Environmental Law and Policy Annual Review, Russell Senate Building, April 15, 2011, Washington, D.C.

“NEPA and the Gulf Oil Spill,” University of Houston Environment & Energy Law & Policy Journal 2011 symposium *Environmental Disaster and the Law*, February 17, 2011, Houston, TX

“Impact of the Gulf Oil Spill and Environmental Law,” ALI-ABA Annual Environmental Law Review CLE, Feb, 2, 2011, Washington, D.C.

“The Oil Spill and NEPA,” AALS Hot Topics Panel, AALS Annual Meeting, January 7, 2011.

“Practice and Theory of Carbon Trading,” organizer and speaker, North Carolina Bar Association Environmental Law Section, CLE, forthcoming, December 3, 2010.

“Ethics of the Environment,” Parr Center for Ethics, Public Lecture, Chapel Hill, NC, November 10, 2010.

“Developments in Climate Change and Common Law,” ABA National Teleconference, November 11, 2010.

“Legal Implications of the Gulf Oil Spill,” UNC Alumni “Think Fast” Public Lecture, Chapel Hill, NC, September 15, 2010.

“Climate Change Law for the Public Lawyer,” University of North Carolina School of Government, Public Law for the Public Lawyer, Raleigh, NC, September 23, 2010.

“Is the Climate Right for Carbon Trading,” University of North Carolina Alumni Meeting, Washington, D.C., Kilpatrick Stockton, May 2010.

“Beyond Copenhagen,” Chapman University, April 23, 2010, Santa Ana, CA.

“The Clean Air Act at 40: History of New Source Review,” Lewis and Clark Law School and Oregon Law Institute, April 22, 2010, Portland, OR.

“Energy Policy and Regulatory Landscape at the Global Innovations in Energy: How Business is Addressing Climate Change,” April 21, 2010, Keenan-Flagler, UNC, Chapel Hill, NC.

“Surviving and Thriving: Adaptation and Climate Change Mitigation,” **keynote address**, Vermont Law School symposium, March 28, 2010, South Royalton, VT.

“Energy Opportunities and Climate Change Legal Uncertainty,” Global Energy Management Institute, April 5, 2010, Houston, TX.

“Climate Change Adaptation and Aboriginal Cultures,” National Environmental Law Society Annual Meeting, New Orleans, LA, March 2010.

“Eyewitnesses to Copenhagen,” UNC Global Fed-Ex Center Public Lecture, January 19, 2010, Chapel Hill, NC.

“Comprehensive Federal Climate Change Legislation and Effects on States,” Legislative Commission on Global Climate Change, North Carolina State Senate, November 17, 2009.

“Comprehensive Federal Climate Change Legislation and International Effects,” University of Houston College of Engineering Speaker Series, November 13, 2009.

“Comprehensive Federal Climate Change Legislation and Effects on States,” Environmental Review Commission, North Carolina State Senate, November 12, 2009.

“Carbon Trading under Federal Law,” University of North Carolina Institute for the Environment Board of Directors Meeting, October 2009

“Getting Real with Cap and Trade,” University of Houston, Bauer College of Business, Global Energy Management Institute, July 20, 2009.

“Carbon Counting,” May 14, 2009, Houston, TX.

“Climate Change Legislation and Opportunities for Texas,” Texas EDF annual meeting, March 5, 2009, Houston; Greater Houston Partnership Meeting, March 10, 2009, Houston.

“Should the Federal Government Pre-empt in Climate Change Legislation?” First annual Climate and Energy Law Symposium, San Diego Energy and Climate Review, San Diego, CA, February 20, 2009.

“Environmental Ethics: An Academic Perspective,” Houston Bar Association Environmental Law Section, February 10, 2009.

“Overruled: Lawrence v. Texas,” University of North Carolina School of Law, February 9, 2009.

“Developments in Climate Change and Environmental Law,” North Carolina Festival of Legal Learning, Chapel Hill, NC, February 7, 2009.

The Benefits of Early Action on Climate Change (at Texas Changing Economic Climate)”, sponsored by EDF and British Consulate, Texas Capitol, Austin, TX, January 30, 2009.

“The Future Environmental Agenda: Environmental Law and Policy Questions Facing the Next Administration,” Duke Environmental Law & Policy Forum, symposium, Durham, NC, October 24, 2008

“Houston’s Air: What We Know,” Rice University Shell Center for Sustainability, October 17, 2008.

“U.S. Climate Change Legislation: If, When, and What,” University College of London, Environmental Institute Public Lecture Series, London, U.K., October 13, 2008.

“Environmental Questions Moving Forward,” Texas State Bar Environmental Superconference, Austin, TX, August 7, 2008 (with McGarity).

“Federal Climate Change Protection and Washington State Initiatives,” Washington State Bar Association Environmental and Land Use Law Section Mid-Year Keynote, Semiahmoo, WA, May 2008.

“The Present and Future of CO<sub>2</sub> Trading at the University of Houston,” Bauer College of Business, Global Energy Management Institute, symposium on non-traditional trading, March 11, 2008.

“The Current State of U.S. Climate Change Legislation,” Environmental & Energy Law & Policy Journal, symposium, Feb. 11, 2008.

“Climate Change Legislation, a Preview,” U.H. Law Center, Center for Environment, Energy, and Natural Resources Law, Jan. 29, 2008.

“Reforming Hazardous Air Pollutant Controls,” University of North Carolina School of Law, Nov. 1, 2007.

“The Economics and Politics of Energy: University of Houston Future Studies Series”, University of Houston, Oct. 30, 2007.

“Act Locally, Affect Globally,” Boston College Environmental Affairs Law Review Symposium, October 25, 2007.

“Environmental Regulation and the Future,” American Constitution Society Lecture Series, Houston, TX, Sept. 20, 2007.

“Renewable Energy Regulations and New Climate Change Legislation,” Houston Bar Association, Environmental Law Section, Sept. 12, 2007.

“New Source Review under the Clean Air Act,” 2007 Southeastern Association of Law Schools Meeting, Amelia Island, Florida, August 2, 2007.

“U.S. Climate Change Legislation: What and When,” Seattle University Department of Biology and Seattle University School of Law program, March 2007.

“Climate Change Legislation in the U.S.,” International Carbon Trading Conference, Houston, TX, January 2007 (via video/audio link).

“Prospective Climate Change Legislation,” International Association of Energy Economists, Houston, TX, October 2006.

“How to Solve Urban Air Toxics Problem,” Georgia State University School of Public Policy and College of Law Urban Environment Speaker Series, November 2006, Atlanta, GA.

“Federal Regulation of Air Toxics: What We Can Learn From the States,” University of Arizona, Rogers College of Law, Faculty Enrichment Forum, October 2006, Tucson, AZ.

“Using the Non-delegation Doctrine to Bring Rigor to Benefit-Cost Analysis,” paper presented at the University of Washington’s Economic and Legal Conference on Benefit-Cost Analysis, May 17, 2006, Talaris Center, Seattle, WA.

“Graduation and the Challenges of Moral and Ethical Thought,” presentation, University of Houston Law Center graduation, May 12, 2006.

“Public Perceptions and Attitudes on Climate Change,” Moderator and presenter, Joint US/UK Conference on Climate Change, London, U.K., April 4, 2006.

“Law School Exam Grading and Preparation for Class,” presentation and discussion, Houston Bar Association Joint Faculty Meeting, Thurgood Marshall School of Law, April 2006.

“Rumsfeld v. FAIR and the UHLC response,” OUTLAW presentation, University of Houston Law Center, April 2006.

“Rethinking Federal Air Toxics Regulation,” Presentation and Discussion, Seattle University School of Law, Feb. 27, 2006.

“Military Recruitment on College Campuses (Rumsfeld v. FAIR),” Stonewall Bar Association, CLE, January 2006.

“Environmental and Natural Resource Lessons from Water Use,” presentation and discussion, Yale Law School, *The Properties of Carol Rose* symposium, November 2005.

“The U.S. Constitution and Gay Marriage,” Web streaming video, for U.S. Constitution Day for the University of Houston, September 2005-present: accessed at [www.uh.edu/admin/media/constitutionday](http://www.uh.edu/admin/media/constitutionday)

“The Problems and Challenges of Ozone Control in the Clean Air Act,” Presentation, in *Houston Air Quality, A Historical Perspective*, Shell Center for Sustainability of Rice University, February 25, 2005.

“Empirical Research in Environmental Law,” Presentation, University of Houston Law Center Colloquium, February 17, 2005

“Public/Private Partnerships,” presentation and work group, in *Climate Change, Extreme Events, and Coastal Cities*, Shell Center for Sustainability at Rice University, February 24, 2005.

“Lawrence v. Texas: How Lambda Legal Changed the World,” Presentation, Feinstein Institute for Public Interest Law, Roger Williams University School of Law, November, 2004.

“Brown v. Board of Education at 50: Separate But Equal and Gay Marriage,” Presentation and Discussion, Houston Bar Association Joint Faculty Meeting, University of Houston Law Center, April 2004.

“Our Right to The Environment,” Presentation, University of Utah, S.J. Quinney School of Law, faculty presentation, April 2004.

“The New Source Review Proposal of the Clean Air Act,” Presentation, Houston Environmental Bar Association, January 2004.

“Lawrence v. Texas and its Implications,” Presentation, Alternative Family Law Day, University of Houston and Stonewall Bar Association, November 2003.

“Risk Based Corrective Action,” Presentation, International Society of Toxicologists, Austin, TX, November 2003.

"Anti-Discrimination Policies and the Atlanta Human Rights Ordinance," Presentation, University of Tennessee College of Law, April 2002.

"Valuing Environmental Risk Allocation and Philosophy," Presentation, Red Clay Conference, University of Georgia School of Law, April 2002.

"Anti-Discrimination Policies and the Atlanta Human Rights Ordinance," Presentation, University of Georgia School of Law, February 2002.

"The Klamath Irrigation District and The Endangered Species Act," Presentation, Seattle University School of Law, Seattle, WA, November 2001.

"Recruiting Beyond Your Comfort Zone," Presentation, Law School Admissions Council Annual Meeting, Phoenix, AZ, June 2001.

"Recruiting GLBT students to law school," Presentation, Law School Admissions Council Annual Meeting, Vancouver, BC, June 2000.

"Bringing the Practical into the Classroom." Presentation, Institute for Law School Teaching, 6th annual conference, *Fresh Looks at Teaching and Learning Law*, June 11, 1999, Spokane, WA.

Environmental Law week long mini-course for the U.S. Army Corps of Engineers, member of Environmental Partners teaching team, Cincinnati, Portland Or., Annapolis, MD, and Huntsville, Al., Summer, 1998 and 1999.

“A Dirty River Runs Through It (The Failure of Enforcement in the Clean Water Act),” Paper and Presentation, Association of American Law Schools, Annual Meeting, Washington, DC, January, 1997

“Anti-discrimination Laws and Earnings of Same-Sex Couples,” Paper and Presentation, Association of Public Policy and Management Conference, Annual Meeting, Chicago, IL, October 1994

"The Valuation of Environmental Risk Allocation and Environmental Philosophy Under NEPA," Paper and Presentation, The Western Economic Conference in Vancouver, B.C., June-July 1994

"The Ethics of an Environmental Audit." Presentation, Red Clay Conference, University of Georgia Law School, Athens, GA, April 1997

"The Need for ENDA." Presentation, Georgia State University College of Law, Atlanta, GA, October 1996.

"The U.S. Constitution & Sexual Orientation." Panel Discussion, Georgia State University College of Law, Atlanta, GA, April 1996.

"Public Decisionmaking and the Snoqualmie Falls Hydroelectric Project Issue: Native American Sacred Site or Renewable Energy Resource," moderator, Snoqualmie Falls, WA, February 1995.

"American Administrative Law and Public Policy." Lecture, Hyogo Prefecture, Japan, Management Program; Seattle, WA, August 1994.

"Scientific Uncertainty and Global Warming." Lecture and Panel Discussion, Sea-Grant Conference on the Environment, July 1994

"Putting EPA Into a Current Context." Lecture and Panel Discussion, EPA Region X Management Retreat, May 1994; Region X in-house Training, August 1994.

"Gay and Lesbian Careers: Trends in the Workplace." Lecture and Panel Discussion, University of Washington School of Business, May 1994

"Valuation of Environmental Philosophy." Lecture, University of Washington School of Law, April 1994.

"Government Use of Economics in the Environment." Guest Lecture, University of Washington GSPA, April 1994.

"Application of Administrative Law to the Provision of Public Services." Guest Lecture, University of Washington GSPA, February 1994.

"The Growth Management Act and Environmental Law in Washington." Lecture, University of Washington, Institute for Environmental Studies, December 1993, November 1994.

"A Brazen Proposal." Lecture, Fall Faculty Colloquium Series, University of Washington, November 1993.

"Environmental Law for the Non-Environmental Attorney." Continuing Legal Education moderator and featured speaker, sponsored by Washington State Bar Association, Seattle, Washington, September 1993.

"The Effects of 'Outing' on Sexual Orientation Equal Protection Analysis." Lecture, University of Washington School of Law, May 1991.

## **UNIVERSITY AND COLLEGE SERVICE**

**University of North Carolina** – Law School Academic Affairs Committee (2009-2010); University Faculty Grievance Committee (2010-2011); Law School Appointments Committee (2010-2011).

**University of Houston** - University Homeland Security Research Coordinator; University Environmental Cross-disciplinary Work Group, Environmental & Energy Law & Policy Journal, faculty editor; Environmental Law Society advisor; OUTLAW advisor; Chair, faculty recruitment committee (2003-04).

**Georgia State University** - University Senate; University Benefits Committee, University re-accreditation comm., Law School Admissions Committee, Law School Curriculum Committee; Environmental Law Society Advisor.

## **COMMUNITY AND LEGAL SERVICE AND MEMBERSHIPS**

Attorney of Record for *amici* law professors petition for Supreme Court certiorari, North Carolina v. TVA (settlement reached in May 2011).

Attorney of Record for *amici* law professors, *North Carolina v. TVA* (4<sup>th</sup> Circuit 2010).

Attorney of record for Congressional *amici* Clinton, Boxer, Kerry, Jeffords, Leahy, Lautenberg, in *New York v. EPA*, 443 F.3d 880 (D.C. Cir. 2006).

Washington State Bar (inactive), 1989- present

Sixth Circuit Bar, 1989-present

District of Columbia Bar, 2006-present

American Law Institute, 2003-present

Center for Progressive Reform Member Scholar, 2003-present

University of Houston Blaffer Art Gallery, Advisory Board, 2006-2009

American Association of Law Schools (AALS) Teaching Methods Section Board and Officer 2002-2009, Chair 2006-07

Law School Admissions Council (LSAC) Test Development and Research Committee, 2003-05

LSAC Gay, Bisexual, and Transgendered Sub-Committee, 2000-05

Lambda Legal Defense and Education Fund, National Board of Directors, 1999-2004

Stonewall Bar Association of Georgia, Board of Directors, 1999-2001

Georgia Center for Law in the Public Interest, Board Member, 1997-2001

Lesbian and Gay Law Association of Puget Sound, co-founder, co-chair, liaison to Washington State Bar Association, 1991-1995