

**J. B. RUHL**  
**Matthews & Hawkins Professor of Property**  
The Florida State University College of Law  
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## **LEGAL EMPLOYMENT HISTORY**

### Teaching

- Since 1999 **Florida State University College of Law**, Tallahassee, Florida  
*Matthews & Hawkins Professor of Property*  
Teaching courses on Environmental Law, Land Use, and Property
- Associate Dean for Academic Affairs (2004-2005)
  - Appointments Committee (2000-01, 2002-03, 2006; 2007 (Chair), 2010)
  - Promotion and Tenure Committee (1999-2000, 2000-01 (Chair))
  - Admissions Committee (2001-02)
  - Curriculum Committee (2008-09 (Chair), 2009-10)
  - Co-Director of Environmental & Land Use Law Certificate Program (2002- )
  - Faculty Advisor to *Journal of Land Use and Environmental Law* (2001- )
  - University Institute of Energy Systems, Economics & Sustainability (2008 - )
  - University Pathways to Excellence Committee (2007-08)
  - University Promotion and Tenure Committee (2000-01)
  - University Graduate Policy Committee (2001-03)
  - Steering Committee, FSU Institute for Energy Systems, Economics, and Sustainability (2009- )
- Spring 2008: Harvard Law School*, Cambridge, Massachusetts  
*Visiting Professor*: Taught Land Use and a seminar
- Summer 2001: Vermont Law School*, South Royalton, Vermont  
*Visiting Professor*: Taught Ecosystem Management Law
- 1998-99 **George Washington University Law School**, Washington, D.C.  
*Visiting Associate Professor*: Taught courses on Environmental Law
- 1994-1999 **Southern Illinois University School of Law**, Carbondale, Illinois  
*Assistant Professor (1994-1997); Associate Professor (1997-98); and Professor (1998-99)*  
Taught courses on Environmental Law, Land Use, and Administrative Law
- Promotion and Tenure Committee (1996-97; Chair 1997-98)
  - Appointments Committee (1996-97; 1997-98)
- Summer 1997: University of Texas School of Law*, Austin, Texas  
*Visiting Professor*: Taught Environmental Law
- Summer 1996: Lewis & Clark College of Law*, Portland, Oregon  
*Visiting Professor*: Taught Environmental Law
- 1991-1994 **University of Texas School of Law**, Austin, Texas  
*Adjunct Professor*: Taught advanced seminar on Environmental Liabilities

### Practice

1982-1994 **Fulbright & Jaworski**, Austin, Texas, and Washington, D.C.  
*Associate (1982-1990) and Partner (1991-1994)*: Emphasis on wetlands regulation, environmental impact assessment, endangered species, and land use controls

### EDUCATION

Ph.D. 2006 **Southern Illinois University** (Geography): Dissertation on *The Law and Policy of Ecosystem Services*, directed by Dr. Christopher L. Lant

LL.M. 1986 **George Washington University** (Environmental Law): Master's Thesis on *Preserving the Causation Requirement for Hazardous Substance Exposure Injuries*, directed by Prof. Arnold Reitze

J.D. 1982 **University of Virginia**

B.A. 1979 **University of Virginia** (Economics) Honors Thesis on *California's Property Tax Rebellion—A Road to Ruin*, directed by Dr. Herbert Stein

### CURRENT and RECENT PROFESSIONAL and SERVICE ACTIVITIES

various Appointment, tenure, or promotion review letter written for law school committees at: Akron, American, Cornell, Florida, Georgia State, Houston, Indiana-Indianapolis, Ohio State, Minnesota, Richmond, South Carolina, Stetson, SUNY-Buffalo, UC-Irvine, Virginia, and William & Mary

2010 **Consultant**, U.S. Commission on the BP Deepwater Horizon Spill and Offshore Drilling

since 2009 **President**, Society for Evolutionary Analysis in Law (Founding member and Officer since 1997) (see [www.sealsite.org](http://www.sealsite.org))

Since 2009 **Consultant**, U.S. Environmental Protection Agency, Ecosystem Services Research Project

2008 **Chair**, AALS Natural Resources Section (Executive Council 2005-07)

2005-2006 **U.S. Senate Endangered Species Working Group**

2001-2003 **National Research Council Committee Member**, Committee on Endangered Species in the Klamath River Basin

1998-2001 **Publications Officer**, ABA Environmental Law Section

since 2002 **Vice Chair**, ABA Environmental Law Section Committee on Innovation

since 1999 **Elected Member**, The American Law Institute

since 1997 **Vice Chair**, ABA Environmental Law Section Committee on Endangered Species

**HONORS AND AWARDS**

- various Selected five times by an annual peer review process for having published one of the best law review articles in the field of environmental law, with republication in LAND USE AND ENVIRONMENTAL LAW REVIEW (1989, 1991, 2001, 2002, 2009)
  
- various Selected twice by an annual peer review process for having published one of the best law review articles in the field of environmental law, with republication in ENVIRONMENTAL LAW AND POLICY ANNUAL REVIEW (2008, 2009) (publication begun in 2008)
  
- 2009 Natural Resources Law Distinguished Visitor, Lewis & Clark School of Law
  
- 2008 Teale Distinguished Lecturer, University of Connecticut
  
- 2007 Falvo Outstanding Dissertation Award, Southern Illinois University (selection by committee)
  
- 2005 Distinguished Speaker, St. Thomas University School of Law
  
- 2003 Appointed to the FSU College of Law Matthews & Hawkins Professorship in Property
  
- 2002 Appointed to an FSU Named Professorship (University-wide selection committee)
  
- 1998 A.L. O'Quinn Distinguished Lecturer, University of Houston Law Center
  
- 1998 Houston Law Review Professional Writing Award
  
- 1996 Southern Illinois University School of Law Faculty Excellence in Scholarship Award
  
- 1996 Houston Law Review Professional Writing Award
  
- 1995 Duke Law Journal Annual Lecturer in Law

## **PUBLICATIONS**

(many of the following publications are available for downloading at <http://ssrn.com/author=178128>)

### **Journal Articles**

#### **work in progress**

*Climate Change in the Courts* (with D. Markell)

*Robust Yet Fragile – Law’s Persistent Dilemma*

*The Judicial Takeover of the Endangered Species Act*

*Retrofitting the Suburbs – Theory, Law, and Norms*

*Tempero Populus – Strategies for Regulating the Multitudes*

#### **submitted**

#### **accepted for publication or in press**

*Gaming the Past: The Theory and Practice of Historic Baselines*, 64 VANDERBILT LAW REVIEW (forthcoming 2011) (with J. Salzman)

*General Design Principles for Resilience and Adaptive Capacity in Legal Systems: Applications to Climate Change Adaptation Law*, 89 NORTH CAROLINA LAW REVIEW (forthcoming 2011)

*Adaptive Management in the Courts*, 95 MINNESOTA LAW REVIEW (forthcoming 2010) (with R. Fischman)

*Ecosystem Services and the Clean Water Act: Strategies for Fitting New Science into Old Laws*, 41 ENVIRONMENTAL LAW (forthcoming 2010)

#### **published**

*Climate Change, Dead Zones, and Massive Problems in the Administrative State: Guidelines for Whittling Away*, 98 CALIFORNIA LAW REVIEW 59 (2010) (with J. Salzman)

*Background Principles, Takings, and Libertarian Property—A Reply to Professor Huffman*, 37 ECOLOGY LAW QUARTERLY 805 (2010) (with M. Blumm)

*Climate Change Adaptation and the Structural Transformation of Environmental Law*, 40 ENVIRONMENTAL LAW 363 (2010)

*Ecosystem Services and Federal Public Lands*, 20 DUKE ENVIRONMENTAL LAW AND POLICY FORUM 275 (2010)

*An Empirical Survey of Climate Change Litigation in the United States*, 40 ENVIRONMENTAL LAW REPORTER 10644 (2010) (with D. Markell)

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*Climbing Mount Mitigation: A Proposal for Legislative Suspension of Climate Change “Mitigation Litigation,”* 1 WASHINGTON & LEE JOURNAL OF ENERGY, CLIMATE, AND THE ENVIRONMENT 64 (2010)

*Governing for Sustainable Coasts: Complexity, Climate Change, and Coastal Ecosystem Protection,* 2 SUSTAINABILITY 1361 (2010) (with R. Craig) (peer-reviewed scientific journal)

*Cities, Green Construction, and the Endangered Species Act,* 27 VIRGINIA ENVIRONMENTAL LAW JOURNAL 147 (2009) (invited symposium)

*Keeping the Endangered Species Act Relevant,* 19 DUKE ENVIRONMENTAL LAW & POLICY FORUM 275 (2009) (invited symposium)

*Implementing the New Ecosystem Services Mandate of the Section 404 Compensatory Mitigation Program—A Catalyst for Advancing Science and Policy,* 38 STETSON LAW REVIEW 251 (2009) (invited symposium) (with J. Salzman & Iris Goodman)

*The Tragedy of Ecosystem Services,* 58 BIOSCIENCE 969 (2008) (with C. Lant and S. Kraft) (peer-reviewed scientific journal)

*Law’s Complexity – A Primer,* 24 GEORGIA STATE UNIVERSITY LAW REVIEW 885 (2008) (invited symposium)

*Agriculture and Ecosystem Services – Strategies for State and Local Government,* 17 NYU ENVIRONMENTAL LAW JOURNAL 424 (2008) (invited symposium)

*Making Nuisance Ecological,* 58 CASE WESTERN RESERVE LAW REVIEW 753 (2008) (invited symposium)

*Adaptive Management for Natural Resources—Inevitable, Impossible, or Both?,* 54 ROCKY MTN. MINERAL LAW INSTITUTE ANNUAL PROCEEDINGS 11-1 (2008) (invited symposium).

*Climate Change and the Endangered Species Act,* 88 BOSTON UNIVERSITY LAW REVIEW 1 (2008), selected for reprinting in 2009 LAND USE AND ENVIRONMENTAL LAW REVIEW (annual compendium of peer-selected leading law review articles in land use and environmental law) and in 2009 ENVIRONMENTAL LAW AND POLICY ANNUAL REVIEW (annual compendium of peer-selected leading law review articles in environmental law)

*Reconstructing the Wall of Virtue: Maxims for the Co-evolution of Environmental Law and Environmental Science,* 37 ENVIRONMENTAL LAW 1063 (2007) (invited symposium)

*The Background Principles of Natural Capital and Ecosystem Services—Did Lucas Open Pandora’s Box?,* 22 JOURNAL OF LAND USE AND ENVIRONMENTAL LAW 525 (2007) (invited symposium)

*The Law and Policy Beginnings of Ecosystem Services,* 22 JOURNAL OF LAND USE AND ENVIRONMENTAL LAW 157 (2007) (with J. Salzman)

*Ecosystem Services and the Public Trust Doctrine—Working Change from Within,* 15 SOUTHEASTERN ENVIRONMENTAL LAW JOURNAL 223 (2007) (with J. Salzman) (invited symposium)

*The Pardy-Ruhl Dialogue on Ecosystem Management—Part IV: Narrowing and Sharpening the Questions*, 24 PACE ENVIRONMENTAL LAW REVIEW 25 (2007)

*In Defense of Regulatory Peer Review*, 84 WASHINGTON UNIVERSITY LAW REVIEW 1 (2006) (with J. Salzman), selected for reprinting in 2008 ENVIRONMENTAL LAW AND POLICY ANNUAL REVIEW (annual compendium of peer-selected leading law review articles in environmental law)

*The Effects of Wetlands Mitigation Banking on People*, NATIONAL WETLANDS NEWSLETTER, Mar.-Apr. 2006, at 1, 9-14 (2006) (with J. Salzman)

*Regulation by Adaptive Management—Is It Possible?*, 7 MINNESOTA JOURNAL OF LAW, SCIENCE & TECHNOLOGY 21 (2005) (invited symposium)

*Ecosystem Services and the Common Law of the “Fragile Land System,”* 20 NATURAL RESOURCES & ENVIRONMENT 3 (Fall 2005)

*A Practical Guide to Habitat Conservation Banking*, 20 NATURAL RESOURCES & ENVIRONMENT 26 (Summer 2005) (with A. Glen and D. Hartman)

*Toward A Common Law of Ecosystem Services*, 18 ST. THOMAS LAW REVIEW 1 (2005) (invited lecture)

*Taking Adaptive Management Seriously—A Case Study of the Endangered Species Act*, 52 KANSAS LAW REVIEW 1249 (2004) (invited symposium)

*Prescribing the Right Dose of Peer Review for the Endangered Species Act*, 83 NEBRASKA LAW REVIEW 398 (2004) (invited symposium)

*Past, Present, and Future Trends of the Endangered Species Act*, 25 PUBLIC LANDS AND RESOURCES LAW REVIEW 15 (2004) (invited symposium)

*Endangered Species Act Innovations in the Post-Babbitonian Era—Are There Any?*, 14 DUKE ENVIRONMENTAL LAW & POLICY FORUM 419 (2004) (invited symposium)

*The Battle over Endangered Species Act Methodology*, 37 ENVIRONMENTAL LAW 555 (2004) (invited symposium)

*The Myth of What is Inevitable Under Ecosystem Management: A Response to Pardy*, 21 PACE ENVIRONMENTAL LAW REVIEW 315 (2004)

*Proposal for a Model State Watershed Management Act*, 37 ENVIRONMENTAL LAW 929 (2004) (with C. Lant et al.)

*No Net Loss and Instrument Choice in Wetland Protection*, 26 NATIONAL WETLANDS NEWSLETTER 3 (Jan.-Feb. 2004) (with J. Salzman)

*Equitable Apportionment of Ecosystem Services: New Water Law for a New Water Age*, 19 JOURNAL OF LAND USE & ENVIRONMENTAL LAW 47 (2003)

*Mozart and the Red Queen: The Problem of Regulatory Accretion In the Administrative State*, 91 GEORGETOWN LAW JOURNAL 757 (2003) (with J. Salzman)

*Is the Endangered Species Act Eco-pragmatic?*, 87 MINNESOTA LAW REVIEW 885 (2003) (invited symposium)

*Environmental Compliance: Another Integrity Crisis or Too Many Rules?*, 17 NATURAL RESOURCES & ENVIRONMENT 24 (2002) (with J. Salzman, K. Song & H. Yu).

*Farmland Stewardship—Can Ecosystems Stand Any More of It?*, 9 WASHINGTON UNIVERSITY JOURNAL OF LAW AND POLICY 1 (2002) (invited symposium)

*Agriculture and the Environment: Three Myths, Three Themes, Three Directions*, 25 ENVIRONS 101 (2002) (invited symposium)

*Three Questions for Agriculture About the Environment*, 17 JOURNAL OF LAND USE AND ENVIRONMENTAL LAW 395 (2002) (conference proceedings)

*Regulatory Traffic Jams*, 2 WYOMING LAW REVIEW 253 (2002) (invited manuscript) (with J. Salzman)

*Manifesto for the Radical Middle*, 38 IDAHO LAW REVIEW 385 (2002) (invited symposium)

*State and Local Government Vicarious Liability Under the ESA*, 15 NATURAL RESOURCES & ENVIRONMENT 70 (2001) (invited manuscript)

*Apples for Oranges: The Role of Currencies in Environmental Trading Markets*, 31 ENVIRONMENTAL LAW REPORTER 11438 (2001) (with J. Salzman)

*Integrating Ecosystem Services into Environmental Law: A Case Study of Wetlands Mitigation Banking*, 20 STANFORD ENVIRONMENTAL LAW REVIEW 365 (2001) (invited symposium) (with J. Gregg)

*The Environmental Law of Farms: 30 Years of Making a Mole Hill Out of a Mountain*, 31 ENVIRONMENTAL LAW REPORTER 10203 (2001)

*Currencies and the Commodification of Environmental Law*, 53 STANFORD LAW REVIEW 607 (2000) (with J. Salzman), *selected for reprinting in 2002 LAND USE & ENVIRONMENT LAW REVIEW* (annual compendium of peer-selected leading law review articles in land use and environmental law)

*Working Both (Positivist) Ends to a New (Pragmatist) Middle in Environmental Law*, 68 GEORGE WASHINGTON LAW REVIEW 522 (2000) (invited review essay of Daniel Farber, *Eco-pragmatism* (1999))

*Farms, Their Environmental Harms, and Environmental Law*, 27 ECOLOGY LAW QUARTERLY 263 (2000), *selected for reprinting in 2001 LAND USE & ENVIRONMENT LAW REVIEW* (annual compendium of peer-selected leading law review articles in land use and environmental law)

*Ecosystem Management, the ESA, and the Seven Degrees of Relevance*, 14 NATURAL RESOURCES

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& ENVIRONMENT 156 (2000) (invited manuscript)

*The Co-Evolution of Sustainable Development and Environmental Justice: Cooperation, then Competition, then Conflict*, 9 DUKE ENVIRONMENTAL LAW & POLICY FORUM 161 (1999) (invited manuscript)

*The (Political) Science of Watershed Management In the Ecosystem Age*, 35 JOURNAL OF THE AMERICAN WATER RESOURCES ASSOCIATION 519 (1999) (refereed journal)

*Sustainable Development: A Five-Dimensional Algorithm for Environmental Law*, 18 STANFORD ENVIRONMENTAL LAW REVIEW 31 (1999)

*The Metrics of Constitutional Amendments: And Why Proposed Environmental Quality Amendments Don't Measure Up*, 74 NOTRE DAME LAW REVIEW 245 (1999)

*How to Kill Endangered Species, Legally: The Nuts and Bolts of Endangered Species Act "HCP" Permits for Real Estate Development*, 5 THE ENVIRONMENTAL LAWYER 345 (1999), reprinted in 36 PUBLIC LAND AND RESOURCES LAW DIGEST 231 (semi-annual compendium of peer-selected leading law review articles in public lands and natural resources law)

*The Endangered Species Act and Private Property: A Matter of Timing and Location*, 8 CORNELL JOURNAL OF LAW & PUBLIC POLICY 37 (1998) (invited symposium comment paper)

*Legal Ethics When Advocacy Involves the Government—Can We Talk?*, 44 ROCKY MOUNTAIN MINERAL LAW INSTITUTE 4-1 (1998) (invited) (bound proceedings of the Institute's Annual Meeting)

*Taming the Suburban Amoeba in the Ecosystem Age: Some Do's and Don'ts*, 3 WIDENER SYMPOSIUM LAW JOURNAL 61 (1998) (invited symposium)

*The Seven Degrees of Relevance: Why Real-World Environmental Attorneys Should Care Now About Sustainable Development*, 8 DUKE ENVIRONMENTAL LAW & POLICY FORUM 273 (1998)

*Who Needs Congress?—An Agenda for Administrative Reform of the Endangered Species Act*, 6 NEW YORK UNIVERSITY ENVIRONMENTAL LAW JOURNAL 367 (1998) (invited symposium manuscript)

*Thinking of Environmental Law as a Complex Adaptive System—How to Clean Up the Environment by Making a Mess of Environmental Law*, 34 HOUSTON LAW REVIEW 933 (1997) (awarded the Houston Law Review's 1998 Professional Writing Award)

*While the Cat's Asleep: The Making of the "New" ESA*, 12 NATURAL RESOURCES & ENVIRONMENT 187 (1998) (invited manuscript)

*Thinking of Mediation as a Complex Adaptive System*, 1997 BRIGHAM YOUNG UNIVERSITY LAW JOURNAL 777 (1997) (invited symposium manuscript)

*The Case of the Speluncean Polluters—Six Themes of Environmental Law, Policy, and Ethics*, 27 ENVIRONMENTAL LAW 343 (1997)

*The Arrow of the Law In Modern Administrative States: Using Complexity Theory to Reveal the Diminishing Returns and Increasing Risks the Burgeoning of Law Poses to Society*, 30 U.C.-DAVIS

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LAW REVIEW 405 (1997) (with H. Ruhl)

*The Fitness of Law: Using Complexity Theory to Describe the Evolution of Law and Society and its Practical Meaning for Democracy*, 49 VANDERBILT LAW REVIEW 1407 (1996)

*Complexity Theory as a Paradigm for the Dynamical Law-and-Society System: Wake-Up Call for Legal Reductionism and the Modern Administrative State*, 45 DUKE LAW JOURNAL 849 (1996) (presented as the 1996 Duke Law Review Annual Lecture in Law)

*Malpractice and Environmental Law: Should Environmental Law Specialists Be Worried?*, 33 HOUSTON LAW REVIEW 174 (1996) (awarded the Houston Law Review's 1996 Professional Writing Award)

*Section 7(a)(1) of the "New" Endangered Species Act: Rediscovering and Redefining the Untapped Power of Federal Agencies' Duty to Conserve Species*, 25 ENVIRONMENTAL LAW 1107 (1995)

*Biodiversity Conservation Policy and the Ever-Expanding Web of Federal Laws Regulating Nonfederal Lands: Time for Something Completely Different?*, 66 UNIVERSITY OF COLORADO LAW REVIEW 555 (1995)

*Section 4 of the Endangered Species Act: The Cornerstone of Species Protection*, 8 NATURAL RESOURCES & ENVIRONMENT 26 (Summer 1993)

*The Plight of the Passive Past Owner: Defining the Limits of Superfund Liability*, 45 SOUTHWESTERN (NOW SMU) LAW JOURNAL 1129 (1991)

*The Oil Pollution Act of 1990: Opening a New Era in Federal and State Regulation of Oil Spill Prevention, Containment and Clean-up, and Liability*, 32 SOUTH TEXAS LAW REVIEW 475 (1991) (with M. Jewell) (also published in the United Kingdom at 8 OIL & GAS LAW AND TAXATION REVIEW 234 [Part I] and 304 [Part II] (1990))

*Regional Habitat Conservation Planning Under the Endangered Species Act: Pushing the Legal and Practical Limits of Species Protection*, 44 SOUTHWESTERN (NOW SMU) LAW JOURNAL 1393 (1991), *reprinted in* 1991 LAND USE & ENVIRONMENT LAW REVIEW (annual compendium of peer-selected leading law review articles in land use and environmental law)

*Finding Federalism In the Admiralty: "The Devil's Own Mess" Revisited*, 12 TULANE MARITIME LAW JOURNAL 263 (1988)

*Interstate Pollution Control and Environmental Planning: Outmoded Approaches or Outmoded Politics?*, 28 NATURAL RESOURCES JOURNAL 293 (1988), *reprinted in* 1989 LAND USE & ENVIRONMENT LAW REVIEW (annual compendium of peer-selected leading law review articles in land use and environmental law)

*The Third Party Defense to Hazardous Waste Liability: Narrowing the "Contractual Relationship" Exception*, 29 SOUTH TEXAS LAW REVIEW 291 (1987)

*Toxic Tort Remedies: The Case Against the "Superduper Fund" and Other Reform Proposals*, 38 BAYLOR LAW REVIEW 597 (1986)

**Books and Chapters**

**works in progress**

LAW'S COMPLEXITY: THINKING OF LAW AS A COMPLEX ADAPTIVE SYSTEM (Cambridge University Press)

LAND USE (Aspen Press Essentials Series)

**in press**

*New Sustainable Governance Institutions for Estuaries and Coasts*, in ECOLOGICAL ECONOMICS OF ESTUARIES AND COASTS (Elsevier Press)

*Pit Bulls Can't Fly – The ESA and Climate Change*, in REBUILDING THE ARK (AEI Press)

**published books**

THE PRACTICE AND POLICY OF ENVIRONMENTAL LAW (Foundation Press University Casebook Series, 2d Ed., 2010) (with J. Nagle, J. Salzman, and A. Klass)

THE LAW AND POLICY OF ECOSYSTEM SERVICES (Island Press, 2007) (with S. Kraft and C. Lant)

THE LAW OF BIODIVERSITY AND ECOSYSTEM MANAGEMENT (Foundation Press University Casebook Series, Second Edition, 2006, and First Edition, 2002) (with J. Nagle)

**published chapters**

*The Future Public Law of Private Ecosystems*, in THE EVOLUTION OF NATURAL RESOURCES LAW (ABA Press 2010)

*Endangered Species*, in 2009 YEAR IN REVIEW (ABA Press, 2010)

*Listing Endangered and Threatened Species: The Gateway to the Endangered Species Act*, in THE ENDANGERED SPECIES ACT (ABA Press 2d ed., 2010)

*Endangered Species*, in 2008 YEAR IN REVIEW (ABA Press, 2009)

*Ecosystem Services: The Nature of Valuing Nature*, in CONSERVATION FOR A NEW GENERATION - REDEFINING NATURAL RESOURCES MANAGEMENT (Island Press, Rick Knight & Courtney White eds., 2008)

*Endangered Species*, in 2007 YEAR IN REVIEW (ABA Press, 2008)

*"No Net Loss": Instrument Choice in Wetlands Protection*, in MOVING TO MARKETS IN ENVIRONMENTAL REGULATION: LESSONS FROM TWENTY YEARS OF EXPERIENCE (Oxford University Press, Jody Freeman and Charles D. Kolstad eds., 2007) (with J. Salzman)

*Endangered Species*, in 2006 YEAR IN REVIEW (ABA Press 2007)

*Cooperative Federalism and the Endangered Species Act—Is There Hope for Something More?*, in STRATEGIES FOR ENVIRONMENTAL SUCCESS 325 (Environmental Law Inst. Press, Michael Allan Wolf ed., 2005)

*Endangered Species*, in 2005 YEAR IN REVIEW (ABA Press 2006)

*Endangered Species*, in 2004 YEAR IN REVIEW (ABA Press 2005)

*The Endangered Species Act*, in ENVIRONMENTAL ASPECTS OF REAL ESTATE TRANSACTIONS (ABA Press, 3rd ed. 2004)

*Is the Endangered Species Act Ecopragmatic?*, in THE JURISDYNAMICS OF ENVIRONMENTAL PROTECTION: CHANGE AND THE PRAGMATIC VOICE IN ENVIRONMENTAL LAW (Environmental Law Institute Press, Jim Chen ed., 2003) (lead chapter).

*Endangered Species*, in 2003 YEAR IN REVIEW (ABA Press 2004)

*Endangered Species*, in 2002 YEAR IN REVIEW (ABA Press 2003)

*Paying to Protect Watershed Services: Wetland Banking in the United States*, in SELLING FOREST ENVIRONMENTAL SERVICES (Earthscan Press, Stefano Pagiola et al. eds., 2002)

*Section 4 of the ESA: The Keystone of Species Protection Law*, in THE ENDANGERED SPECIES ACT (ABA Press 2002)

*Endangered Species*, in 2001 YEAR IN REVIEW (ABA Press 2002)

*Endangered Species*, in 2000 YEAR IN REVIEW (ABA Press 2001)

*Endangered Species*, in 1999 YEAR IN REVIEW (ABA Press 2000)

*The Endangered Species Act*, in ENVIRONMENTAL ASPECTS OF REAL ESTATE TRANSACTIONS (ABA Press 2nd ed. 1999)

*Endangered Species*, in 1998 YEAR IN REVIEW (ABA Press 1999)

*Regulation of Solid and Hazardous Waste in the United States*, in ENVIRONMENTAL LAW AND POLICY IN THE EUROPEAN UNION AND THE UNITED STATES (Praeger, Randall Baker ed., 1997)

*Endangered Species*, in 1997 YEAR IN REVIEW (ABA Press 1998)

*Endangered Species*, in 1996 YEAR IN REVIEW (ABA Press 1997)

*The Endangered Species Act*, in ENVIRONMENTAL ASPECTS OF REAL ESTATE TRANSACTION (ABA Press 1995)

#### **Other Publications**

*Facilitated Migration as Mitigation*, 32 NATIONAL WETLANDS NEWSLETTER 26 (July-Aug. 2010)

*Stacking and Bundling and Bears, Oh My!*, 32 NATIONAL WETLANDS NEWSLETTER 24 (Jan.-Feb. 2010)

*Adapting the Endangered Species Act to Climate Change*, 41 Trends 6 (Nov. 2009)

*It's Time to Learn to Live With Adaptive Management (Because We Don't Have a Choice)*, 39 ENVIRONMENTAL LAW REPORTER (ELI) 10920 (2009)

*Who's Number One?*, THE ENVIRONMENTAL FORUM (Fall 2009) (with J. Salzman)

*Compensatory Mitigation in the Climate Change Era—Business as Usual or Need for a Change?*, 31 NATIONAL WETLANDS NEWSLETTER 28 (July-Aug 2009)

*Law for Sustainable Development: Work Continues on the Rubik's Cube*, 44 TULSA LAW REVIEW 1 (2008) (symposium foreword)

*Bank Failure*, THE ENVIRONMENTAL FORUM, Jan-Feb 2009, at 22

*The Endangered Species Act*, ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (2008)

*The Disconnect Between Environmental Assessment and Adaptive Management*, TRENDS, July-Aug. 2005, at 1 (2005)

*Valuing Nature's Services--The Future of Environmental Law?*, 13 NATURAL RESOURCES & ENVIRONMENT 359 (1998)

*An Environmental Rights Amendment: Good Message, Bad Idea*, 11 NATURAL RESOURCES & ENVIRONMENT 46 (Winter 1997)

*Greenlining as Ecosystem Management—Panacea or Pandora's Box*, 11 NATURAL RESOURCES & ENVIRONMENT 53 (Summer 1996)

*EPA Proposes Two Approaches for a New Hazardous Waste Identification Rule*, 7 NATURAL RESOURCES & ENVIRONMENT 45 (Summer 1992)

*Phase Three of the ESA: Using Endangered Species Protection as a Natural Resource Management Tool*, 6 NATURAL RESOURCES & ENVIRONMENT 38 (Winter 1992)

Collection: *Environmental Audit Standards—Something's Happening, De Minimis Waste Contributors—Keep on Worrying, and Solving Litigation by Rulemaking—Administrative Activism?*, 5 NATURAL RESOURCES & ENVIRONMENT 40 (Winter 1991)

*Innovative Proposals for Familiar Statutes: Are Environmental Statutes the Silver Lining of the Lending Industry Cloud?*, 5 NATURAL RESOURCES & ENVIRONMENT 40 (Summer 1990)

*Devising Standards for Property Transfer Environmental Audits*, 4 NATURAL RESOURCES & ENVIRONMENT 30 (Summer 1989)

*State Restrictions on Waste Disposal—More Regulation than the Federal Government Can Handle?* 3 NATURAL RESOURCES & ENVIRONMENT 41 (Winter 1989)

*Increased Public Information: How Will It Be Used or Abused?*, 3 NATURAL RESOURCES & ENVIRONMENT 32 (Fall 1988)

*De Minimis Settlement Policy Leaves Small Volume Contributors Guessing*, 3 NATURAL RESOURCES & ENVIRONMENT 35 (Winter 1988)

**PRESENTATIONS**  
(Since 1998)

**Scheduled**

*An Empirical Study of Climate Change in the Courts*, UC Berkeley Environmental Law Scholarship Workshop (Apr. 2011)

*An Empirical Study of Climate Change in the Courts*, Texas Wesleyan Law School Faculty Workshop (Mar. 2011)

*Designing Resilient Law*, University of North Carolina Law Review Symposium (Oct. 2010)

**Delivered**

Panelist, *Climate Change and Property*, AALS Summer Workshop on Property (June 2010)

Speaker, *Green Infrastructure and Urban Ecosystem Services*, Annual Environmental Law Conference, Florida Coastal School of Law (Nov. 2010)

Panelist, *Green Infrastructure and Urban Ecosystem Services*, Symposium: A 2020 View of Urban Infrastructure, Georgia State University School of Law (Mar. 2010)

Speaker, *The Theory and Practice of Historic Baselines in the Administrative State*, University of Arizona Law School (Feb. 2010)

Speaker, *Climate Change and the Endangered Species Act*, ALI-ABA Conference on Species Protection: Critical Legal Issues (Nov. 2009)

Panelist, Conference on Next Generation Conservation: The Government's Role in Emerging Ecosystem Markets, Duke University (Oct. 2009)

Distinguished Visitor Lecture, *After Cap-and-Trade*, Lewis & Clark Law School (Sept. 2009)

Speaker, *Pit Bulls Can't Fly—The ESA and Climate Change*, American Enterprise Institute Symposium on Rebuilding the Ark, (September, 2009)

Panelist, *After Cap-and-Trade*, Southeastern Association of Law School Annual Meeting, Panel on Climate Change Law in the Obama Administration (Aug. 2009)

Panelist, *Climate Change and the Endangered Species Act*, Vanderbilt Law School and Environmental Law Institute Symposium (Apr. 2009) (presentation of selected paper)

Panelist, *Climbing Mount Mitigation Without a Map*, Washington & Lee Law School Climate Change Symposium (Feb. 2009)

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Lecture, *Climate Change and the Endangered Species Act*, National Conservation Training Center (Jan. 2009)

Workshop Presentation, *Whittling Away at Massive Problems*, Wake Forest University Law School (Dec. 2008)

Workshop Presentation, *Whittling Away at Massive Problems*, University of California – Irvine Law School (Nov. 2008)

Teale Distinguished Lecturer, *Ecosystem Services – A New Old Policy Comes of Age*, University of Connecticut (Oct. 2008)

Workshop Presentation, *Whittling Away at Massive Problems*, University of Connecticut Law School (Oct. 2008)

Panelist, *Climate Change and Endangered Species*, University of North Carolina Law School Climate Change Conference (Oct. 2008)

Panelist, *Green Building and the Endangered Species Act*, Virginia Environmental Law Journal Annual Symposium (Oct. 2008)

Panelist, *Keeping the Endangered Species Act Relevant*, Duke Environmental Law & Policy Forum Annual Symposium (Oct. 2008).

Workshop Presentation, *Whittling Away at Massive Problems*, Indiana University-Bloomington Law School (Sept. 2008)

Panelist, *Adaptive Management – Inevitable, Impossible, or Both?*, Rocky Mountain Mineral Law Foundation Annual Meeting (Aspen, July 2008)

Panelist, *Complex Systems and the Law*, Southeastern Association of Law Schools Annual Meeting (Palm Beach, Fl., July 2008)

Panelist, *Global Climate Change and the Endangered Species Act*, CLE International Conference on the Endangered Species Act (San Diego, June 2008)

Keynote Speaker, *Law's Complexity*, Georgia State University Law Review Symposium on Law as a Dynamical System (February 2008)

Panelist, *Global Climate Change and the Endangered Species Act*, AALS Annual Meeting (January 2008)

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Panelist, *Agriculture and Environmental Policy Innovation*, AALS Annual Meeting (January 2008)

Workshop Presentation, *Climate Change and the Endangered Species Act*, University of Virginia School of Law (November 2007)

Guest Speaker, *Agriculture and Environmental Policy Innovation*, NYU Law School Environmental Policy Seminar (November 2007)

Keynote Speaker, *Global Climate Change and the Endangered Species Act*, CLE International Conference on the Endangered Species Act (Austin, October 2007)

Guest Speaker, *Climate Change and the Endangered Species Act*, Georgetown University Environmental Law Seminar (October 2007)

Workshop Presentation, *Science and Ecosystem Management Policy*, Arizona State University College of Law (September 2007)

Panelist, *Environmentalism and Democracy*, SEALS Annual Conference (August 2007)

Keynote Speaker, *Science and Ecosystem Management Policy*, CLE International Conference on the Endangered Species Act (San Diego, June 2007)

Speaker, *The Future Public Law of Private Ecosystems*, University of Colorado Natural Resources Law Center 25th Annual Conference (June 2007)

Speaker, *Ecosystem Services—Law and Policy*, Colorado State University School of Natural Resources Conference on Environmental Policy (April 2007)

Speaker, *The Co-evolution of Environmental Law and Environmental Policy*, Lewis & Clark Law School Symposium on Law, Science, and Environment (April 2007)

Workshop Presentation, *Making the Common Law Ecological*, University of Florida School of Law (Feb. 2007)

Plenary Speaker, *Ecosystem Services and Law*, Houston Bar Association (Feb. 2007)

Speaker, *Intertemporal Choice in the Regulatory State*, Annual Meeting of the Gruter Foundation for Law and Biology (June 2006)

Speaker, *Short Term, Long Term, or the Next Generation?*, Annual Meeting of the Society for Evolutionary Analysis in Law (April 2006)

Speaker, *Property Regimes and Ecosystem Services*, FSU College of Law Symposium on the Law and Policy of Ecosystem Services (April 2006)

Workshop Presentation, *Eminent Domain after Kelo*, Georgia State University Law School (January 2006)

Workshop Presentation, *The Effect of Wetlands Mitigation Banking on People*, Georgia State University Center for the Study of Metro Growth (January 2006)

Workshop Presentation, *The Effects of Wetlands Mitigation Banking on People*, Georgetown University Law School (November 2005)

Workshop Presentation, *The Effects of Wetland Mitigation Banking on People*, University of Minnesota Law School (October 2005)

Distinguished Speaker, *The Common Law of the "Fragile Land System"*, St. Thomas University Law School (October 2005)

Speaker, *Habitat Conservation Banking*, CLE International Conference on the Endangered Species Act (Tampa, Sept. 2005)

Panelist, *Eminent Domain after Kelo*, James Madison Institute (Tallahassee, Sept. 2006)

Speaker, *Regulation by Adaptive Management—Is It Possible?*, University of Minnesota Law School Conference on Law, Ethics, and Life Sciences—Frontier Issues (May 2005)

Speaker, *NEPA Nuts and Bolts*, CLE International Conference on NEPA (Apr. 2005)

Commentator, FSU College of Law Symposium on Default Rules in Private and Public Law (Tallahassee, March 2005)

Participant and Moderator, Stanford Law School Forum on the Endangered Species Act and Federalism (February 2005)

Speaker, *Cooperative Environmental Federalism and the Endangered Species Act*, University of Florida Conference on Alternative Grounds: Defending the Environment in an Unwelcome Judicial Climate (Tampa, Nov. 2004)

Speaker, *Case Law Update*, CLE International Conference on the Endangered Species Act (Austin, Oct. 2004)

Panelist, *Divvying Up the Apalachicola*, Universities Council on Water Resources Annual Conference (Portland, Ore., July 2004)

Panelist, *Current Research in Complex Systems and the Law*, Gruter Institute Annual Meeting (Squaw Valley, Calif., June 2004)

Panelist, *Bottled Water and the Environment*, ABA Section on Environment, Energy, and Resources Conference on Eastern Water Law (Miami, May 2004)

Speaker, *NEPA Nuts and Bolts*, CLE International Conference on NEPA (Austin, Apr. 2004)

Symposium Speaker, *Taking Adaptive Management Seriously Under the Endangered Species Act*, University of Kansas School of Law (Mar. 2004)

Symposium Speaker, *Prescribing the Right Dose of Peer Review for the Endangered Species Act*, University of Nebraska School of Law (Mar. 2004)

Faculty Colloquium Presentation, *Thinking About Law as a Complex Adaptive System*, University College Cork, Department of Government Colloquium on Ethically Evolving Political Systems (Cork, Ireland, Feb. 2004)

Guest Lecture, *The Battle Over the ACF River Basin System*, Florida State University Department of Oceanography, Seminar on Current Issues in Environmental Science (Apr. 2002)

Panelist, *Water Wars in the Southeast—Florida's Perspective*, 2004 Association of American Law Schools Annual Meeting, Natural Resources Section Program (Jan. 2004)

Symposium Speaker, *Endangered Species Act Innovations In the Post-Babbitonian Era—Are There Any?*, Duke University Conference on Natural Resources Policy Under the Bush Administration (Nov. 2003).

Forum Speaker, *Equitable Apportionment of Ecosystem Services*, Florida State University College of Law Environmental Forum on the ACF River Basin System (Nov. 2003)

Panelist, *The Battle Over Endangered Species Act Methodology*, Lewis & Clark College of Law Conference on the Endangered Species Act at 30 (Portland, Oct. 2003)

Panelist, *Past, Present, and Future Innovations Under the Endangered Species Act*, ABA Section of Environmental Law Annual Meeting (Washington, D.C., Oct. 2003)

Workshop Presentation, *Radical Openness in Complex Legal Systems*, Society for Evolutionary Analysis of Law 6<sup>th</sup> Annual Scholarship Conference, University of Indiana-Bloomington College of Law (Oct. 2003)

Faculty Colloquium Presentation, *The Law and Policy of Ecosystem Services*, Indiana University-Bloomington College of Law (Oct. 2003)

Panelist, *Identifying and Recovering Endangered Species*, University of Florida School of Law 8<sup>th</sup> Annual Public Interest Environmental Conference, University of Florida (Feb. 2003)

Panelist, *Science and the Endangered Species Act*, American Bar Association Annual Water Law Conference (San Diego, Feb. 2003)

Symposium Presentation, *Is the Endangered Species Act Eco-Pragmatic?*, University of Minnesota Law Review Symposium on The Pragmatic Ecologist (Oct. 2002)

Speech, *The Endangered Species Act in the Courts*, CLE International Endangered Species Act and Habitat Conservation Planning Conference (Austin, Texas, Sept. 2002)

Workshop Presentation, *Regulatory Accretion in the Administrative State*, Florida State University College of Law Faculty Colloquium Series (June 2002)

Workshop Presentation, *Regulation by Adaptive Management—Is It Possible?*, Society for Evolutionary Analysis in Law 4<sup>th</sup> Annual Scholarship Conference, Florida State University College of Law (Apr. 2002)

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Symposium Paper Presentation, *Manifesto for the Radical Middle*, University of Idaho Law School (Apr. 2002)

Guest Lecture, *The Endangered Species Act: How It Works, and Does It Work?*, Florida State University Department of Oceanography, Seminar on Current Issues in Environmental Science (Apr. 2002)

Plenary Speaker, *Farmland Stewardship—Can Ecosystems Stand Any More of It?*, National Association of Environmental Law Societies Annual Conference, Washington University-St. Louis School of Law (Mar. 2002)

Closing Speaker, *Agriculture and the Environment—Three Myths, Three Themes, Three Directions*, U.C. Davis School of Law (Mar. 2002)

Plenary Speaker, *Three Questions for Agriculture About the Environment*, University of Florida School of Law 7<sup>th</sup> Annual Public Interest Environmental Conference, University of Florida (Feb. 2002)

White Paper Author and Panelist, *Midwest Agricultural Commodity Production and the Environment*, World Wildlife Fund/American Farmland Trust Meeting (Chicago, Apr. 2001)

Faculty Presentation, *Farms, Their Environmental Harms, and Environmental Law*, University of Florida School of Law (Apr. 2001)

Keynote Speech, *Farms, Their Environmental Harms, and Environmental Law*, University of Georgia School of Law Conference on Sustainable Agriculture (Mar. 2001)

Panelist, *Water Wars on the Apalachicola River*, Tulane Law School Conference on Environment 2001: Water, Energy and the Law (Mar. 2001)

Workshop Presentation, *Currencies and the Commodification of Environmental Law*, University of Minnesota School of Law (Oct. 2000)

Workshop Presentation, *Currencies and the Commodification of Environmental Law*, George Mason University School of Law (Sept. 2000)

Speech, *Professionalism and Ethics in Practicing Administrative Law*, Rocky Mountain Mineral Law Foundation Conference on Natural Resources & Environmental Administrative Law and Procedure (Denver, Nov. 1999)

Workshop Presentation, *Evolutionary Strategies in Legal Theories*, Society for Evolutionary Analysis of Law 2<sup>nd</sup> Annual Scholarship Conference, University of Pittsburg School of Law (Oct. 1999)

Guest Speaker, *Environmental Regulation of Farms*, Stanford University Environmental and Natural Resources Law and Policy Program Workshop (Mar. 1999)

Panelist, *Endangered Species Act and Clean Water Act Developments*, ABA Section on Environmental, Energy, and Resources Law Program (Washington, D.C., Mar. 1999)

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Panelist, *Assessing the Record of Habitat Conservation Planning*, American Institute of Biological Sciences, Program on Habitat Conservation Planning Issues (Washington, D.C., Feb. 1999)

Faculty Presentation, *The New Environmental Federalism*, Florida State University College of Law (Feb. 1999)

Faculty Presentation, *The New Environmental Federalism*, University of Houston Law Center (Jan. 1999)

Commentor, George Mason University Law School/Institute for Humane Studies Symposium on Law & Biology (Nov. 1998)

Panel Chair and Panelist, *Complex Adaptive Systems and Law*, Society for Evolutionary Analysis of Law 1<sup>st</sup> Annual Scholarship Conference, Pace University Law School (Oct. 1998)

Panelist, *Habitat Conservation Planning Issues*, ABA Section on Natural Resources, Energy, and Environmental Meeting Fall CLE Meeting (Hilton Head, South Carolina, Oct. 1998)

Speech, *Ethics in Natural Resources Cases Involving the Government*, Rocky Mountain Mineral Law Foundation Annual Institute (Park City, Utah, July 1998)

Faculty Presentation, *Proposed Environmental Quality Amendments*, St. Louis University School of Law (Apr. 1998)

Workshop Presentation, *Sustainable Development Law and Policy*, ITT Chicago-Kent College of Law (Mar. 1998)

Commentor, *The Endangered Species Act and Private Property*, Cornell Law School Journal of Law & Public Policy Annual Symposium (Feb. 1998)

Distinguished Lecturer, A.L. O'Quinn Lecturer in Environmental Law, University of Houston Law Center (Feb. 1998)