

J. B. RUHL

David Daniels Allen Distinguished Chair of Law
Vanderbilt University Law School
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EMPLOYMENT HISTORY

Academic Positions

permanent appointments

- 2011-present **Vanderbilt University Law School**, Nashville, Tennessee
David Daniels Allen Distinguished Chair in Law (2011-)
- Teaching courses on Property, Environment, Food, and the Legal Industry
 - Director, Program on Law & Innovation
 - Co-Director, Energy, Environmental, and Land Use Law Program
 - Affiliated Faculty, Law & Economics PhD Program
 - Affiliated Faculty, Vanderbilt Institute for Energy and Environment
- 1999-2011 **Florida State University College of Law**, Tallahassee, Florida
Professor (1999-2003); University Professor (2003-05); Matthews & Hawkins Professor of Property (2005-11); Associate Dean for Academic Affairs (2004-2005)
- 1994-1999 **Southern Illinois University School of Law**, Carbondale, Illinois
Assistant Professor (1994-1997); Associate Professor (1997-98); Professor (1998-99)

visiting appointments

- Spring 2008 **Harvard Law School**, Cambridge, Massachusetts
- 1998 – 1999 **George Washington University Law School**, Washington, D.C.
- Summers **Vermont Law School**, South Royalton, Vermont
2001, 2014, 2016, 2018
- Summer 1997 **University of Texas School of Law**, Austin, Texas
- Summer 1996 **Lewis & Clark College of Law**, Portland, Oregon

Entrepreneurship

- 2016-present **Skopos Labs, Inc.**, New York City, New York
Co-Founder of legal and financial technology company (www.skoposlabs.com)

Legal Practice

- 1982-1994 **Fulbright & Jaworski (now Norton Rose Fulbright)**, Austin, Texas, and Washington, D.C.
Associate (1982-1990) and Equity Partner (1991-1994): Practice in environmental and natural resources with focus on regulation of land development, site remediation, permitting, and transaction due diligence
- Since 1994 Of Counsel to various law firms, currently Smith-Robertson LLP, Austin, Texas
- Licenses Licensed to practice and active in D.C., Texas, and Tennessee; inactive in Virginia and Illinois

EDUCATION

- Ph.D. 2006 **Southern Illinois University** (Geography)
- LL.M. 1986 **George Washington University** (Environmental Law)
- J.D. 1982 **University of Virginia**
- B.A. 1979 **University of Virginia** (Economics)

SELECTED CONSULTANCY and SERVICE ACTIVITIES

- 2020-present **Co-Editor**, FRONTIERS IN CLIMATE (Law and Policy Section)
- 2020-present **Editorial Board**, SUSTAINABILITY (Climate Section)
- 2016-present **Editor**, SSRN eJournal on Artificial Intelligence – Law, Policy, and Ethics
- 2015-present **Co-Editor**, LAND USE & ENVIRONMENT LAW REVIEW (West Publishing annual peer-selected compendium of leading articles)
- 2015-present **Fellow**, American College of Environmental Lawyers (Board of Regents 2019 – present)
- 2015-present **Columnist**, *The Post-Normal Times*, THE YOUNG LAWYER (ABA Young Lawyer Section's quarterly journal)
- 2014-present **Editorial Board Member**, NATURAL RESOURCES & ENVIRONMENT (ABA Environment, Energy, and Natural Resources Section's quarterly journal)
- 2009-present **Co-Editor**, SSRN eJournal on Sustainability Law and Policy
- 1999-present **Elected Member**, The American Law Institute
- 1997-2018 **Vice Chair (1997-2014, 2016-18) and Co-Chair (2014-16)**, ABA Environment, Energy, and Resources Section Committee on Endangered Species
- 2014-2015 **Co-Consultant**, Administrative Conference of the United States, Project 2015-4:

Designing Regulatory Permitting Programs (with E. Biber)

- 1997-2014 **Director and Member**, Society for Evolutionary Analysis in Law (Founding member; President 2009-11)
- 2008-2011 **Special Employee**, U.S. Environmental Protection Agency, Ecosystem Services Research Project
- 2010-2011 **Consultant**, National Commission on the BP Deepwater Horizon Spill and Offshore Drilling
- 2007-2008 **Chair**, AALS Natural Resources Section (Executive Council 2005-07)
- 2005-2006 **Member**, 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 Environment, Energy, and Natural Resources Section
- 1995-1998 **Editor in Chief**, NATURAL RESOURCES & ENVIRONMENT (ABA Environment, Energy, and Natural Resources Section's quarterly journal)
- 1987-1994 **Editorial Board Member**, NATURAL RESOURCES & ENVIRONMENT (ABA Environment, Energy, and Natural Resources Section's quarterly journal)
- ongoing Appointment, tenure, or promotion review report written for law school committees at: Akron, American, Arizona State, Berkeley, Cleveland, Colorado, Cornell, Denver, Florida, Florida A&M, Florida International, Florida State, Georgia State, Houston, Indiana-Indianapolis, Minnesota, New Mexico, Northern Illinois, Notre Dame, Ohio State, Otago (N.Z.), Richmond, South Carolina, Stetson, SUNY-Buffalo, UC-Irvine, UCLA, Utah, Vermont, Villanova, Virginia, Wayne State, Widener, William & Mary, Yale (Forestry)
- ongoing Numerous peer reviews for scientific journals, grant funding institutions, and legal book publishers

SELECTED HONORS AND AWARDS

- various Selected twelve times through an annual peer review process for having published one of the leading law review articles in the field of environmental law, with republication in LAND USE AND ENVIRONMENT LAW REVIEW (1989, 1991, 2001, 2002, 2009, 2011, 2012, 2013, 2015, 2016, 2018, 2019)
- various Selected three times through an annual peer review process for having published one of the leading law review articles in the field of environmental law, with edited republication in ENVIRONMENTAL LAW & POLICY ANNUAL REVIEW (2007, 2009, 2015)
- 2016 Vanderbilt University Law School Commencement Speaker (selected by graduating class)
- 2016 Vanderbilt University Law School Hall-Hartman Outstanding Professor Award –

- Upper Level (selected by 2L and 3L classes)
- 2016 Sustainability Science Award for Writing, Ecological Society of America
- 2015 Boehl Distinguished Lecture on Land Use Policy, University of Louisville
- 2014 Lloyd K. Garrison Lecturer on Environmental Law, Pace University Law School
- 2012 Lone Mountain Fellow, Property and Environment Research Center
- 2011 Appointed to the David Daniels Allen Distinguished Chair of Law, Vanderbilt Law School
- 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 Law Review Distinguished Speaker, St. Thomas University School of Law
- 2003 Appointed to the FSU College of Law Matthews & Hawkins Professorship
- 2002 Appointed to an FSU University-wide Named Professorship
- 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 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>)

Law Journal Articles

work in progress

4°C (with R. Craig)

Tomorrow's Infrastructure (with J. Salzman)

Curing Koontzphobia

Governing Footprints in Public and Private Governance (with J. Salzman)

submitted for review

The Costs of Critical Habitat (with J. Klick)

in press or accepted for publication

Total Scholarly Impact: Law Professor Citations in Non-Law Journals, JOURNAL OF LEGAL EDUCATION (forthcoming) (with M. Vandenberg and S. Dunaway)

published

The Roman Public Trust Doctrine—What Was It, and Does It Support an Atmospheric Trust?, 41 ECOLOGY LAW QUARTERLY 117 (2020) (with T. McGinn)

Adaptive Management for Ecosystem Services at the Wildland-Urban Interface, 14 INTERNATIONAL JOURNAL OF THE COMMONS 611 (2020) (with R. Craig) (symposium)

Governing Wicked Problems, 73 VANDERBILT LAW REVIEW 1561 (2020) (with J. Salzman) (symposium)

Designing Law to Enable Adaptive Governance of Modern Wicked Problems, 73 VANDERBILT LAW REVIEW 1687 (2020) (with B. Cosens (lead author), N. Soininen, and L. Gunderson) (symposium)

A Global Assessment of the Law and Policy of Ecosystem Services, 39 UNIVERSITY OF QUEENSLAND LAW REVIEW 503 (with J. Salzman) (symposium)

What Happens When the Green New Deal Meets the Old Green Laws?, 44 VERMONT LAW REVIEW 693 (2020) (symposium)

Beyond Green Infrastructure – Integrating the Ecosystem Services Framework into Urban Planning Law and Policy, 4 JOURNAL OF COMPARATIVE URBAN LAW AND POLICY 218 (2020) (symposium)

Governing Cascade Failures in Social-Ecological-Technological Systems: Framing Context, Strategies, and Challenges, 22 VANDERBILT JOURNAL OF ENTERTAINMENT AND TECHNOLOGY LAW 407 (2020) (symposium)

Ecosystem Services and Federal Public Lands: A Quiet Revolution in Natural Resources Management, 91 UNIVERSITY OF COLORADO LAW REVIEW 677 (2020) (with J. Salzman) (symposium)

Topic Modeling the President, 86 GEORGE WASHINGTON LAW REVIEW 1243 (2018) (with J. Nay and J. Gilligan)

Presidential Exit, 67 DUKE LAW JOURNAL 1729 (2018) (with J. Salzman) (symposium)

Regulating Business Innovation as Policy Disruption, 70 VANDERBILT LAW REVIEW 1561 (2017) (with E. Biber, J. Salzman, and S. Light)

The Production Function of the Regulatory State, 102 MINNESOTA LAW REVIEW 695 (2017) (with J. Nash & J. Salzman)

The Regulation Charade, 24 SUPREME COURT ECONOMIC REVIEW 139 (2017) (symposium)

Agencies Running from Agency Discretion, 58 WILLIAM & MARY LAW REVIEW 97 (2016) (with K. Robisch), *selected for reprinting in 2019* LAND USE AND ENVIRONMENT LAW REVIEW (annual

compendium of peer-selected leading law review articles in land use and environmental law)

Measuring, Monitoring, and Managing Legal Complexity, 101 IOWA LAW REVIEW 191 (2015) (with D. Katz)

Regulatory Exit, 68 VANDERBILT LAW REVIEW 1295 (2015) (with J. Salzman)

In Defense of Ecosystem Services, 32 PACE ENVIRONMENTAL LAW REVIEW 306 (2015) (based on invited lecture)

Does Congress Exist?, 30 JOURNAL OF LAND USE & ENVIRONMENTAL LAW 79 (2015) (symposium)

Buzzwords or Breakthroughs: Evaluating the New Language of Natural Resources Conservation, 11 RESOURCES MANAGEMENT THEORY & PRACTICE 81 (2015) (based on invited lecture)

Environmental Law in Austerity, 32 PACE ENVIRONMENTAL LAW REVIEW 481 (2015) (with J. Salzman & J. Nash) (based on invited lecture by J. Salzman)

The Permit Power Revisited: The Theory and Practice of Regulatory Permits in the Administrative State, 62 DUKE LAW JOURNAL 975 (2014) (with E. Biber), *selected for reprinting in* 2016 LAND USE AND ENVIRONMENT LAW REVIEW (annual compendium of peer-selected leading law review articles in land use and environmental law), *and selected for reprinting in* 2016 ENVIRONMENTAL LAW & POLICY ANNUAL REVIEW (annual compendium of peer-selected leading law review articles in environmental law)(reprinted at 41 ELR 10651 (2015))

The Tale of the Fee Tail in Downton Abbey, 68 VANDERBILT LAW REVIEW EN BANC 131 (2015).

Designing Administrative Law for Adaptive Management, 67 VANDERBILT LAW REVIEW 1 (2014) (with R. Craig), *selected for reprinting in* 2015 LAND USE AND ENVIRONMENT LAW REVIEW (annual compendium of peer-selected leading law review articles in land use and environmental law)

Managing Systemic Risk in Legal Systems, 89 INDIANA LAW JOURNAL 559 (2014)

Climate Change Adaptation and the Law of the Horse, 62 DUKE LAW JOURNAL 975 (2013) (with J. Salzman)

Harmonizing Distributed Energy and the Endangered Species Act, 4 SAN DIEGO JOURNAL OF CLIMATE AND ENERGY LAW 121 (2012-13) (symposium)

The Political Economy of Climate Change Winners, 97 MINNESOTA LAW REVIEW 206 (2012)

Harmonizing Commercial Wind Power and the Endangered Species Act Through Administrative Reform, 65 VANDERBILT LAW REVIEW 1769 (2012) (symposium)

The Endangered Species Act's Fall from Grace in the Supreme Court, 36 HARVARD ENVIRONMENTAL LAW REVIEW 487 (2012)

An Empirical Assessment of Climate Change in the Courts: A New Jurisprudence or Business as Usual?, 64 FLORIDA LAW REVIEW 15 (2012) (with D. Markell), *selected for reprinting in* 2013 LAND USE AND ENVIRONMENT LAW REVIEW (annual compendium of peer-selected leading law review articles in land use and environmental law)

General Design Principles for Resilience and Adaptive Capacity in Legal Systems: Applications to Climate Change Adaptation Law, 89 NORTH CAROLINA LAW REVIEW 1373 (2011) (symposium)

Gaming the Past: The Theory and Practice of Historic Baselines, 64 VANDERBILT LAW REVIEW 1 (2011) (with J. Salzman), *selected for reprinting in 2012 LAND USE AND ENVIRONMENT LAW REVIEW* (annual compendium of peer-selected leading law review articles in land use and environmental law)

Adaptive Management in the Courts, 95 MINNESOTA LAW REVIEW 424 (2010) (with R. Fischman)

Climate Change, Dead Zones, and Massive Problems in the Administrative State: Guidelines for Whittling Away, 98 CALIFORNIA LAW REVIEW 59 (2010) (with J. Salzman), *selected for reprinting in 2011 LAND USE AND ENVIRONMENT LAW REVIEW* (annual compendium of peer-selected leading law review articles in land use and environmental law)

Ecosystem Services and the Clean Water Act: Strategies for Fitting New Science into Old Laws, 40 ENVIRONMENTAL LAW 1381 (2010)

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) (symposium)

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) (symposium)

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

Keeping the Endangered Species Act Relevant, 19 DUKE ENVIRONMENTAL LAW & POLICY FORUM 275 (2009) (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) (symposium) (with J. Salzman & Iris Goodman)

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

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

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

Climate Change and the Endangered Species Act—Building Bridges to the No-Analog Future, 88 BOSTON UNIVERSITY LAW REVIEW 1 (2008), *selected for reprinting in 2009 LAND USE AND ENVIRONMENT 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) (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) (symposium)

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

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

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)

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

Toward a Common Law of Ecosystem Services, 18 ST. THOMAS LAW REVIEW 1 (2005) (based on invited lecture)

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

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

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

The Battle over Endangered Species Act Methodology, 37 ENVIRONMENTAL LAW 555 (2004) (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.)

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) (symposium)

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

Agriculture and the Environment: Three Myths, Three Themes, Three Directions, 25 ENVIRONS 101 (2002) (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) (with J. Salzman)

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

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

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) (book review essay of Daniel Farber's 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)

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

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) (symposium)

Taming the Suburban Amoeba in the Ecosystem Age: Some Do's and Don'ts, 3 WIDENER

SYMPOSIUM LAW JOURNAL 61 (1998) (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)

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)

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

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 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)

Published While in Law Practice:

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) (LL.M. Thesis)

Peer-Reviewed Scientific Journal Articles

work in progress

Planning for Transformation, Not Collapse – Is it Possible?

submitted for review

Governing Complexity (with B. Cosens (lead author), N. Soininen, L. Gunderson et al.)

in press

Connecting Ecosystem Services Science and Policy In the Field, FRONTIERS IN ECOLOGY AND THE ENVIRONMENT (lead author) (with J. Salzman et al.)

published

Untapped Capacity for Resilience in Environmental Law, 116 (40) PROCEEDINGS OF THE NATIONAL ACADEMIES OF SCIENCES 19899-19904 (2019) (with A. Garmestani (lead author) et al.)

Engaging Policy in Science Writing: Patterns and Strategies, 14(8) PLoS ONE e0220497 (2019) (lead author) (with T. Ricketts and S. Posner)

Ecosystem Services and Judge-Made Law: A Review of Legal Cases in Common Law Countries, 32 ECOSYSTEM SERVICES 9 (2018) (with Ori Sharon (lead author) et al.)

Harnessing Legal Complexity, 355 SCIENCE 1377 (2017) (lead author) (with D. Katz and M. Bommarito)

Transforming (Perceived) Rigidity in Environmental Law Through Adaptive Governance: A Case of Endangered Species Act Implementation, 22 ECOLOGY AND SOCIETY no. 4 [online] (2017) (with H. Gosnell (lead author) et al.)

A Proposal for Amending Administrative Law to Facilitate Adaptive Management, 12 ENVIRONMENTAL RESEARCH LETTERS 074018 (2017) (with R. Craig (lead author) et al.)

Legal and Institutional Foundations of Adaptive Environmental Governance, 22 ECOLOGY AND SOCIETY No. 1 [online] (2017) (with D. DeCaro (lead author) et al.)

The Role of Law in Adaptive Governance, 22 *ECOLOGY AND SOCIETY* no. 1 [online] (2017) (with B. Cosens (lead author) et al.)

Transformative Environmental Governance, 41 *ANNUAL REVIEW OF ENVIRONMENTAL RESOURCES* 399 (2016) (with B. Chaffin (lead author) et al.)

Adaptive Management of Ecosystem Services Across Land Use Regimes, 183 *JOURNAL OF ENVIRONMENTAL MANAGEMENT* 418 (2016)

Financial Complexity: Regulating Regulation, 352 *SCIENCE* 301 (2016) (letter)

Aligning Restoration Science and the Law to Sustain Ecological Infrastructure for the Future, 13 *FRONTIERS IN ECOLOGY & THE ENVIRONMENT* 512 (2015) (with M. Palmer), awarded the Ecological Society of America's 2016 Sustainability Science Award in Writing

Judging Adaptive Management Practices of U.S. Agencies, 29 *CONSERVATION BIOLOGY* 268 (2015) (with R. Fischman)

Barriers and Bridges to the Integration of Social-Ecological Resilience and Law, 13 *FRONTIERS IN ECOLOGY & THE ENVIRONMENT* 332 (2015) (with O. Green (lead author) et al.)

Committing to Ecological Restoration, 348 *SCIENCE* 638 (2015) (with K. Suding (lead author) et al.)

Stacking Ecosystem Services, 12 *FRONTIERS IN ECOLOGY & THE ENVIRONMENT* 186 (2014) (with M. Robertson (lead author) et al.)

Panarchy and the Law, 17 *ECOLOGY AND SOCIETY* no. 3 [online] (2012)

Assisted Colonization: Facilitate Migration First, 330 *SCIENCE* 1316 (2010) (letter)

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

The Tragedy of Ecosystem Services, 58 *BIOSCIENCE* 969 (2008) (with C. Lant (lead author) and S. Kraft)

Farms and Ecosystem Services, 23(2) *CHOICES* 32 (2008)

Water Wars, Eastern Style: Divvying Up the Apalachicola-Chattahoochee-Flint River Basin, 131 *JOURNAL OF CONTEMPORARY WATER RESEARCH AND EDUCATION* 47 (2005)

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

Books and Chapters

published books

THE LAW OF BIODIVERSITY AND ECOSYSTEM MANAGEMENT (Foundation Press University Casebook Series, 4th ed., 2020) (with J. Nagle and K. Robbins)

THE PRACTICE AND POLICY OF ENVIRONMENTAL LAW (Foundation Press University Casebook

Series, 4th ed., 2014) (with J. Nagle, J. Salzman, and A. Klass)

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

published chapters

Resilience of Legal Systems: Towards Adaptive Governance, in MULTISYSTEMIC RESILIENCE: ADAPTATION AND TRANSFORMATION IN CHANGING CONTEXTS (Oxford Univ. Press, Michael Ungar ed.) (lead author) (with B. Cosens and N. Soinen).

Bruce Babbitt – The Man Who Saved the Endangered Species Act, in PIONEERS OF ENVIRONMENTAL LAW 103 (J.G. Laitos & J. Copeland Nagle eds., 2020).

Harnessing the Complexity of Legal Systems for Governing Global Challenges, in GLOBAL CHALLENGES, GOVERNANCE, AND COMPLEXITY: APPLICATIONS AND FRONTIERS (V. Galaz ed., 2019) (with D. Katz).

Mapping the Law with Artificial Intelligence, in THE LAW OF ARTIFICIAL INTELLIGENCE AND SMART MACHINES: UNDERSTANDING A.I. AND THE LEGAL IMPACT (T.F. Claypoole ed., 2019) (with D. Katz).

Mapping Law’s Complexity with “Legal Maps,” in COMPLEXITY THEORY AND LAW: MAPPING AN EMERGENT JURISPRUDENCE (Routledge Press, J. Murray, T. Webb, and S. Wheatley, eds., 2018) (with D. Katz)

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

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

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

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

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

Apples for Oranges: The Role of Currencies in Environmental Trading Markets, 31 ENVIRONMENTAL LAW REPORTER 11438 (2001) (with J. Salzman) (edited and condensed version of journal article)

State and Local Government Vicarious Liability Under the ESA, 16 NATURAL RESOURCES & ENVIRONMENT 70 (2001)

The Environmental Law of Farms: 30 Years of Making a Mole Hill Out of a Mountain, 31 ENVIRONMENTAL LAW REPORTER 10203 (2001) (edited and condensed version of law journal article)

Ecosystem Management, the ESA, and the Seven Degrees of Relevance, 14 NATURAL RESOURCES & ENVIRONMENT 156 (2000)

Legal Ethics When Advocacy Involves the Government—Can We Talk?, 44 ROCKY MOUNTAIN MINERAL LAW INSTITUTE 4-1 (1998) (invited) (conference proceedings)

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

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

Published While in Law Practice:

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

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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)

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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)

SELECTED PRESENTATIONS

(previous 10 years)

Tomorrow's Infrastructure, Maryland Environmental Law Workshop (Oct. 2020)

4°C, Vermont Law School Environmental Law Colloquium (Sept. 2020)

Realities of the Green New Deal, Sabin Center for Climate Change Law and Policy, Columbia Law School (July 2020)

The Theory and Study of Legal Complexity, Bucerius Law School, Germany (online) (June 2020)

COVID-19, Climate Change, and the Environment, Lisbon Nova School of Law, Portugal (June 2020)

Using Ecosystem Services to Design Urban Green Infrastructure Policy, Catholic University of Louvain, Belgium (April 2020)

A Global Assessment of the Law and Policy of Ecosystem Services, University of Queensland Law School, Australia (Mar. 2020) (with J. Salzman)

The Roman Public Trust Doctrine, University of North Carolina Law School Faculty Workshop (Oct. 2019)

Governing Footprints, University of Utah Law School Faculty Workshop (March 2018)

Presidential Exit, 2018 Duke Law Journal Annual Symposium on Environmental Law (February 2018)

Curing Koontzphobia, 2018 Natural Law Teachers Conference (June 2017)

The Production Function of the Regulatory State, University of Georgia Law School Faculty Workshop (February 2017)

Regulating Business Innovation as Policy Disruption, Florida International University Law School Faculty Workshop (January 2017)

Engaging in Policy Relevant Science, SESYN Post-Doc Immersion Workshop (December 2016)

Adaptive Management of Ecosystem Services Across Land Use Regimes, 2016 Conference on Ecosystem Services (December 2016)

Adaptive Governance Initiatives, Arctic Centre, University of Revaniemi, Finland (August, 2016)

Agencies Running from Agency Discretion, University of Richmond Law School Faculty Colloquium Series (February 2016)

Complexity Theory and Law—Where are We and Where Must We Go?, Lancaster University Law School, England (September 2015)

Agencies Running from Agency Discretion, Duke Law School (March 2015)

Buzzwords or Breakthroughs: Assessing the New Conservation Language, Duke University Nicholas Institute (March 2015)

Localism and the New Language of Conservation, University of Louisville Boehl Lecture (March 2015)

Trends in the Law of Ecosystem Services, 2014 Annual Conference on Ecosystem Services (December 2014)

Buzzwords or Breakthroughs: Assessing the New Conservation Language, New Zealand Resource Management Law Association Annual Meeting, Dunedin, N.Z. (September 2014)

The Promise of Local Government Climate Change Adaptation, University of Auckland Law School and Planning Department, Auckland, N.Z. (September 2014)

Designing Administrative Law for Adaptive Management, George Washington University Law School workshop (September 2014) (with Robin Craig)

Private Governance for Climate Change Adaptation, Northwestern University Law School, Searle Center Workshop on Conservation (July 2014)

Understanding and Applying Koontz in the Context of Environmental Law, Vermont Law School Hot Topics Series (June 2014)

In Defense of Ecosystem Services, Pace University School of Law, Lloyd K. Garrison Annual Lecture (March 2014)

How Complex Is the Law?, University of San Diego Center for Computation, Mathematics, and the Law Inaugural Workshop (March 2014)

Does Congress Exist?, Florida State University College of Law (February 2014)

Understanding and Applying Koontz in the Context of Environmental Law, Tennessee Bar Conference on Changes in Land Use Law (June 2014)

Natural Capital and the Rule of Law, Asian Judges Conference on the Environment, Philippines (online) (December 2013)

Ecosystem Services Governance, University of Rennes, France (November 2013)

The Endangered Species Act Turns 80 (In 40 Years), University of Tennessee, Baker Center Interdisciplinary Forum on Environmental Policy (October 2013)

Designing Administrative Law for Adaptive Management, 2013 Annual Natural Resources Law Teachers Conference (May 2013)

The Endangered Species Act at 40, AALS Annual Meeting, Section of Natural Resources Law (January 2013)

Harmonizing Distributed Energy and the Endangered Species Act, University of San Diego Law School (November 2012)

The Political Economy of Climate Change Winners, University of Michigan Law School (October 2012)

Will Climate Change Change Property Law?, PERC Lone Mountain Fellow Lecture (July 2012)

Environmental Law and Climate Change, AALS Mid-Year Meeting (2012)

Climate Change and Endangered Species, ALI-ABA Species Protection Law Conference (May 2012)

Robust Yet Fragile, Public Policy Workshop, Indiana University-Bloomington (Feb. 2012)

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

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

General Design Principles for Resilience and Adaptive Capacity in Legal Systems, University of North Carolina Law Review Symposium (Oct. 2010)

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

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

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

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