

ROBERT L. FISCHMAN
Curriculum Vitae

Indiana University Maurer School of Law
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ACADEMIC & RESEARCH POSITIONS

Indiana University Maurer School of Law, Bloomington, Indiana (since 1992)
George P. Smith, II Distinguished Professor of Law (since 2017)
Professor (since 1999); Associate Professor (1992-1999).
Richard S. Melvin Professor of Law (2015-17); Harry T. Ice Faculty Fellow (2010-14, 2007-08);
Academic Fellow, Institute for Advanced Study (2007); Poynter Center for the Study of
Ethics and American Institutions Faculty Fellow (2005-06); Ira C. Batman Faculty
Fellow (2005-06); Louis F. Niezer Faculty Fellow (2002-04).
Principal co-investigator, Prepared for Environmental Change Grand Challenge (2016-2017).
Co-founder, Environmental Resilience Institute (2017).
Professor of Public and Environmental Affairs (adjunct) (since 2007); I.U. Environmental
Resilience Institute Steering Committee (2017-19); Ostrom Workshop Affiliated Faculty
(since 2018).
Courses: Environmental Law, Administrative Law, Public Natural Resources Law, Water Law,
Wildlife Law, Biodiversity Conservation Policy, and Advanced Seminar in Energy Law.
Indiana University Teaching Excellence Recognition Award (1999).

Université de Paris II (Panthéon-Assas), Paris, France (2019-21)
Visiting Professor—teaching: United States Administrative & Regulatory Law (comparative
public law program, *Droit public comparé de le économie aux Etats-Unis*)

Yale Law School, New Haven, Connecticut (2001)
Senior Research Scholar—sabbatical research

Lewis & Clark Northwestern School of Law, Portland, Oregon (Summer 2001)
Visiting Professor—taught: Environmental Law

Vermont Law School, South Royalton, Vermont (Fall 2000)
Visiting Professor—taught: Federal Natural Resources Law, Water Resources

University of Wyoming College of Law, Laramie, Wyoming (1991 - 1992)
Visiting Assistant Professor—taught: Water Pol. and Haz. Waste, Indian Law, Econ. & Env'tl. L.

Environmental Law Institute, Washington, D.C. (1988 - 1991)
Director, Natural Resources Program (1989 - 1991); Acting Director, Inter-American
Environmental Program (1990 - 1991); Staff Attorney (1988 - 1991).

EDUCATION

University of Michigan School of Law (J.D., 1987), Order of the Coif
Contributing Editor, Michigan Law Review. Note, *The BFOQ Defense in ADEA Suits: The Scope of "Duties of the Job"*, 85 MICH. L. REV. 330 (1986).
Belfield-Bates Fellow.

University of Michigan School of Natural Resources (M.S., 1987)
Master's Project: Protecting Biological Diversity in the North Woods.
Joseph L. Sax Award for outstanding scholarship and professional promise (first recipient).

Princeton University (A.B., 1984), *Summa Cum Laude* Geological and Geophysical Sciences
Sigma Xi Award for senior thesis: A Study of a Peralkaline Ash-Flow Sequence, *Gran Canaria*.

BOOKS

COGGINS & WILKINSON'S FEDERAL PUBLIC LAND AND RESOURCES LAW (Foundation Press, 8th ed. 2022) (with J. Leshy & S. Krakoff).

Web site with supplements, updates & teaching materials: <https://land.law.indiana.edu/>

FEDERAL PUBLIC LAND AND RESOURCES LAW (Foundation Press, 7th ed. 2014 and 6th ed. 2007) (with G. Coggins, C. Wilkinson & J. Leshy).

STATUTORY SUPPLEMENT (7th ed. 2014 and 6th ed. 2007).

Web site (7th ed. 2014 and 6th ed. 2007).

TEACHER'S MANUAL (7th ed. 2014 and 6th ed. 2007).

THE NATIONAL WILDLIFE REFUGES: COORDINATING A CONSERVATION SYSTEM THROUGH LAW (Island Press 2003).

ENVIRONMENTAL LAW, VOLUME 1 - ENVIRONMENTAL DECISIONMAKING: NEPA AND THE ENDANGERED SPECIES ACT (Anderson Publishing Co., 3d ed. 2000) (with M. Squillace).

AN ENVIRONMENTAL LAW ANTHOLOGY (Anderson Publishing Co. 1996) (with M. Lipeles & M. Squillace).

ENVIRONMENTAL LAW, VOLUME 1 - ENVIRONMENTAL DECISIONMAKING: NEPA AND THE ENDANGERED SPECIES ACT (Anderson Publishing Co., 2d ed. 1994) (with J. Battle & M. Squillace).

STATUTORY AND REGULATORY SUPPLEMENT.

1997 SUPPLEMENT.

ARTICLES (* indicates a peer-reviewed publication)

Collaborative Governance under the Endangered Species Act: An Empirical Analysis of Protective Regulations, 38 YALE J. REGULATION 976-1058 (2021) (with V. Meretsky & Matthew Castelli). <https://ssrn.com/abstract=3685885> Reprinted in **53 Land Use and Environment L. Rev. -- (2022)**, as one of the peer-selected, five best environmental law articles published in **2021**. Reviewed by Omar Khodor, The Regulatory Review (Nov. 23, 2022). <https://www.theregreview.org/2022/11/23/khodor-working-together-to-solve-the-extinction-crisis/>.

Letting Go of Stability: Resilience and Environmental Law, 94 INDIANA LAW JOURNAL 689-725 (2019). <https://papers.ssrn.com/abstract=3235377>. Judged one of the fifteen best articles published in 2019 on the topic of environmental law by a group of legal scholars convened by the Land Use and Environment Law Review. Article reviewed by Steve Gold, *Is Resilience Resilient?*, JOTWELL (September 30, 2020), <https://lex.jotwell.com/is-resilience-resilient/>.

State Imperiled Species Legislation, 48 ENVIRONMENTAL LAW 81-124 (2018) (with V. Meretsky et al.). <http://ssrn.com/abstract=3128244>

Empirical Environmental Scholarship, 44 ECOLOGY LAW QUARTERLY 767-808 (2018) (with L. Barbash-Riley). <http://ssrn.com/abstract=3039687>. Judged one of the fifteen best articles published in 2018 on the topic of environmental law by a group of legal scholars convened by the Land Use and Environment Law Review.

* *An Evaluation of U.S. National Wildlife Refuge Planning for Off-Road Vehicle Use*, 8 J. FISH & WILDLIFE MANAGEMENT 283-300 (2017) (with V. Meretsky et al.). Available at: <http://fwspubs.org/doi/pdf/10.3996/052016-JFWM-040>

Wringing Wonder from the Arid Landscape of Law, 28 COLO. NATURAL RESOURCES, ENERGY, & ENVTL. L. REV. 177 (2017). Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2954742

* *Judging Adaptive Management Practices of U.S. Agencies*, 30 CONSERVATION BIOLOGY 268-275 (2016) (with J.B. Ruhl). Available at: <http://onlinelibrary.wiley.com/doi/10.1111/cobi.12616/pdf>

Leveraging Federal Land Plans into Landscape Conservation, 6 GEO. WASH. J. ENERGY & ENVTL. LAW, no. 3, Winter 2016, 46-55. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2718469

* *Planning for Adaptation to Climate Change: Lessons from the US National Wildlife Refuge System*, 64 BIOSCIENCE 993-1005 (2014) (with V. Meretsky et al.). Available at: <https://doi.org/10.1093/biosci/biu160>

* *Learning from Conservation Planning for the U.S. National Wildlife Refuges*, 28 CONSERVATION BIOLOGY 1415-1427 (2014) (with V. Meretsky). Available at: <http://onlinelibrary.wiley.com/doi/10.1111/cobi.12292/full>

The Story of Kleppe v. New Mexico: The Sagebrush Rebellion as Un-Cooperative Federalism, 83 U. COLO. L. REV. 123 (2011) (with J. Williamson). Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1765970

Beyond Trust Species: The Conservation Potential of the National Wildlife Refuge System in the Wake of Climate Change, 51 NATURAL RESOURCES J. 1 (2011) (with B. Adamcik). Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1561948

Adaptive Management in the Courts, 95 MINNESOTA LAW REV. 424 (2010) (with J.B. Ruhl). Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1542632 Cited in *Greater Yellowstone Coalition v. Servheen*, 665 F.3d 1015 (9th Cir. 2011); *Izaak Walton League of America v. Tidwell*, 2015 WL 632140 (D. Minn. 2015); *Alaska Wilderness League v. Jewell*, 116 F.Supp.3d 958 (D. Alaska 2015). Reprinted in REVISTA FORUMUL JUDECĂTORILOR no.4, p. 47 (2011). Portions reprinted in Squillace, ENVIRONMENTAL DECISIONMAKING (2016). Judged one of the twenty best articles published in 2011 on the topic of environmental law by a group of legal scholars convened by the Land Use and Environment Law Review.

The Legal Challenge of Protecting Animal Migrations as Phenomena of Abundance, 28 VIRGINIA ENVIRONMENTAL LAW J. 173 (2010) (with J. Hyman). Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1441305

* *Climate Change Adaptation for the U.S. National Wildlife Refuge System*, 44 ENVIRONMENTAL MANAGEMENT 1043 (2009) (with B. Griffith et al.). Available at: <https://link.springer.com/article/10.1007/s00267-009-9323-7>

The Divides of Environmental Law and the Problem of Harm in the Endangered Species Act, 83 INDIANA L.J. 661 (2008). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1120448 Judged one of the twenty best articles published in 2008 on the topic of environmental and land use law by a group of legal scholars convened by the Land Use and Environment Law Review.

Savings Clauses and Trends in Natural Resources Federalism, 32 WILLIAM AND MARY ENVIRONMENTAL LAW & POLICY REVIEW 129 (2007) (with A. King). Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1007513

What is Natural Resources Law?, 78 U. COLORADO LAW REVIEW 717 (2007). Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=880115 Portions reprinted in Coggins et al., FEDERAL PUBLIC LAND & RESOURCES LAW (2007 & 2014).

From Words to Action: The Impact and Legal Status of the 2006 National Wildlife Refuge System Management Policies, 26 STANFORD ENVTL. L.J. 77 (2007). Judged one of the twenty best articles published in 2007 on the topic of environmental and land use law by a group of legal

scholars convened by the Land Use and Environment Law Review.

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=921073

* *New Directions in Conservation for the National Wildlife Refuge System*, 56 BIOSCIENCE 135 (2006) (with V. Meretsky et al.). [https://doi.org/10.1641/0006-3568\(2006\)056\[0135:NDICFT\]2.0.CO;2](https://doi.org/10.1641/0006-3568(2006)056[0135:NDICFT]2.0.CO;2)

Cooperative Federalism and Natural Resources Law, 14 N.Y.U. Envtl. L.J. 179 (2005).

Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=824385 Portions reprinted in Coggin et al., FEDERAL PUBLIC LAND & RESOURCES LAW (2007 & 2014). Portions reprinted in Rosenberg et al., ENVIRONMENTAL POLICY LAW (2008).

The Significance of National Wildlife Refuges in the Development of U.S. Conservation Policy, 21 J. LAND USE & ENVTL. L. 1 (2005). Available at:

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=699482

The Meanings of Biological Integrity, Diversity, and Environmental Health, 44 NATURAL RESOURCES JOURNAL 989 (2004). Reprinted in BIO-DIVERSITY AND CONSERVATION: INTERNATIONAL PERSPECTIVES (A. Usha ed. 2007).

Managing Biological Integrity, Diversity, and Environmental Health in the National Wildlife Refuges, 44 NATURAL RESOURCES JOURNAL 931 (2004) (with V. Meretsky). Judged one of the twenty best articles published in 2005 on the topic of environmental and land use law by a group of legal scholars convened by the Land Use and Environment Law Rev.

Predictions and Prescriptions for the Endangered Species Act, 34 ENVIRONMENTAL LAW 451 (2004). Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=660462 Quoted in *Hoosier Environmental Council v. U.S. Dept. of Transportation*, 2007 WL 4302642, 2007 U.S. Dist. LEXIS 90840 (S.D. Ind. Dec. 10, 2007).

* *The National Wildlife Refuge System and the Hallmarks of Modern Organic Legislation*, 29 ECOLOGY LAW QUARTERLY 457 (2002). **Reprinted in 35 LAND USE AND ENVIRONMENT L. REV. 483 (2004) as one of the peer-selected, six best environmental law articles published in 2003.** Portions reprinted in Klein et al., NATURAL RESOURCES LAW 108-115 (1st ed., 2005 through 5th ed., 2023); and Laitos et al., NATURAL RESOURCES LAW 477-479 (1st ed., 2006 through 2d ed., 2012).

Stumbling to Johannesburg: The United States' Haphazard Progress Toward Sustainable Forestry Law, 32 Envtl. L. Rep. 10291 (2002).

A Lesson for Conservation from Pollution Control Law: Cooperative Federalism for Recovery Under the Endangered Species Act, 27 COLUMBIA J. ENVTL. L. 45 (2002) (with J. Hall-Rivera). Judged one of the thirty best articles published in 2002 on the topic of environmental and land use law by a group of legal scholars convened by the Land Use and Environment Law Review. Quoted in *American Farm Bureau Federation v. U.S. EPA*, 984 F.Supp.2d 289 (M.D. Pa. 2013).

[*Endangered Species Information: Access and Control*](#), 41 WASHBURN L.J. 90 (2001) (with V.J. Meretsky).

[*The EPA's NEPA Duties and Ecosystem Services*](#), 20 STANFORD ENVTL. L.J. 497 (2001).

[*The Problem of Statutory Detail in National Park Establishment Legislation and Its Relationship to Pollution Control Law*](#), 74 DENVER UNIVERSITY LAW REVIEW 779 (1997).

* [*The Role of Riparian Water Law in Protecting Biodiversity: An Indiana \(USA\) Case Study*](#), 17 NATURAL AREAS JOURNAL 30 (1997).

[*Administrative Appeal Reform: The Case of the Forest Service*](#), 64 UNIVERSITY OF COLORADO LAW REVIEW 371 (1993) (with B. Bobertz).

[*Endangered Species Conservation: What Should We Expect of Federal Agencies?*](#), 13 PUBLIC LAND LAW REVIEW 1 (1992).

[*Biological Diversity and Environmental Protection: Authorities to Reduce Risk*](#), 22 ENVIRONMENTAL LAW 435 (1992). Portion reprinted in Weiner et al., INTERNATIONAL WILDLIFE LAW 10-1 (1993).

[*Global Warming and Property Interests: Preserving Coastal Wetlands As Sea Levels Rise*](#), 19 HOFSTRA LAW REVIEW 565 (1991).

[*Corporatisation: Implementing Forest Management Reform in New Zealand*](#), 16 ECOLOGY LAW QUARTERLY 719 (1989) (with R. Nagle).

ESSAYS, BOOK CHAPTERS, REPORTS, AND OTHER PUBLICATIONS

Using Practice-based Regulations to Promote Collaborative Recovery of Threatened Species, in THE CODEX OF THE ENDANGERED SPECIES ACT: THE NEXT FIFTY YEARS 51 (Lowell E. Baier & John F. Organ eds., vol. II, Rowman & Littlefield 2024).

[*A Landmark Environmental Law Looks Ahead*](#), 382 SCIENCE 1348 (Dec. 21, 2023) (with J.B. Ruhl).

[*Montana Court Gives Youth Their First Legal Relief in Climate Case*](#), CENTER FOR PROGRESSIVE REFORM, (Aug. 22, 2023).

[*Beyond Trump Rule Reversals: A Lesson from the Endangered Species Act*](#), CENTER FOR PROGRESSIVE REFORM (July 25, 2023).

Comment on Proposed Rule, [*Memorandum Presenting Comments on ESA Section 4\(d\) Proposed "Blanket Rule"*](#), Docket Number FWS-HQ-ES-2023-0018 (July 19, 2023).

[*Supreme Court Swings at Phantoms in West Virginia v. EPA*](#), CENTER FOR PROGRESSIVE REFORM (June 30, 2022).

[*Reversing Trump's Rules Not Enough to Prevent Extinctions*](#), THE HILL (June 23, 2021).

State Endangered Species Acts, in ENDANGERED SPECIES ACT: LAW, POLICY, AND PERSPECTIVES 341-360 (Donald Baur & Ya-Wei Li eds. American Bar Ass'n 3rd ed. 2021) (with Susan George and William J. Snape III).

Federal Public Lands Policy and the Climate Crisis in CLIMATE, ENERGY, JUSTICE: THE POLICY PATH TO A JUST TRANSITION FOR AN ENERGY-HUNGRY AMERICA (Center for Progressive Reform 2020) (with Christine Klein, Daniel Rohlf, and Sandra Zellmer).

<http://progressivereform.org/our-work/energy-environment/climate-energy-justice/>

[*Bounding Forward*](#), "Lead Feature" in ENVIRONMENTAL FORUM, Sept./Oct. 2019, at 24-31.

<https://www.repository.law.indiana.edu/facpub/2944/>

Forestry, in LEGAL PATHWAYS TO DEEP DECARBONIZATION IN THE UNITED STATES (John Dernbach & Michael Gerrard eds., Envtl. Law Inst. 2019) (based on initial draft by the late Prof. Federico Cheever; revision with Robert B. McKinstry, Jr.).

<https://www.eli.org/eli-press-books/legal-pathways-deep-decarbonization-united-states>

Forestry, in LEGAL PATHWAYS TO DEEP DECARBONIZATION IN THE UNITED STATES: SUMMARY & KEY RECOMMENDATIONS (John Dernbach & Michael Gerrard eds., Envtl. Law Inst. 2018) (based on initial draft by the late Prof. Federico Cheever; revision with Robert B. McKinstry, Jr.).

<https://www.eli.org/eli-press-books/legal-pathways-deep-decarbonization-united-states-summary-and-key-recommendations>

16 U.S.C. §1, R.I.P.; *Reborn*, ENVIRONMENTAL FORUM, May/June 2015, at 6.

* [*Lessons from Pollution Control: Response to Heller and Hobbs*](#) 2014, 29 CONSERVATION BIOLOGY 950-952 (2015) (with Salzman).

Prepared Statement, *Legislative Hearing on H.R. 1314, H.R. 1927, H.R. 4256, H.R. 4284, H.R. 4319, H.R. 4866 Before the H. Comm. on Natural Resources*, 113th Cong. 17-20 (Serial No. 113-86) (2014).

Ceding Land to the States Is Short-Sighted Economically; Historically and Legally Wrong, Chicago Tribune (May 22, 2014) (also printed in 34 other McClatchy News Corp outlets with a total circulation of 1,450,000) (with Meretsky).

Planning for Climate Change in the National Wildlife Refuges: Report of Findings to the U.S. Fish and Wildlife Service (Revised Final Report Jan. 7, 2013) (with Meretsky, Babko, Gray, Kennedy, Lei, and Wambugu).

Conservation Planning for the National Wildlife Refuges: Final Report of Findings to the U.S. Fish and Wildlife Service (Final Report Dec. 5, 2012) (with V. Meretsky).

Adaptive Management, in THE LAW OF ADAPTATION TO CLIMATE CHANGE: U.S. AND INTERNATIONAL ASPECTS (Am. Bar Ass'n 2012) (with J. Rountree).

[*Migration Conservation: A View from Above*](#), 41 ENVIRONMENTAL L. 277 (2011).

A Win on Keystone Could Easily Turn into a Loss for Environmentalists, Cleveland Plain Dealer (Dec. 4, 2011) (also printed in 26 other McClatchy News Corp outlets with a total circulation of 1,560,000).

A New Vision for Refuges, *Conserving the Future: Wildlife Refuges & the Next Generation Blog* (May 11, 2011) available at <http://americaswildlife.org/2011/05/a-new-vision-for-refuges-will-require-the-fws-to-move-beyond-trust-species/>

National Wildlife Refuge System, in AMERICAN ENVIRONMENTAL HISTORY 958-961 (Kathleen Brosnan ed., Facts on File 2011).

The Federalism Dynamic in Natural Resources Law, in THE EVOLUTION OF NATURAL RESOURCES LAW AND POLICY (Am. Bar Ass'n 2010).

Protecting Public Health and the Environment by the Stroke of a Presidential Pen: Seven Executive Orders for the President's First 100 Days (Center for Progressive Reform 2008) (with R.M. Bratspies et al.). Portion reprinted in CLIMATE CHANGE: A READER (W.H. Rodgers, Jr. et al. eds. 2011).

National Wildlife Refuges, in Preliminary Review of Adaptation Options for Climate-Sensitive Ecosystems and Resources (U.S. Climate Change Science Program Synthesis and Assessment

Product 4.4) (2008) (with J.M. Scott et al.) (available at: <http://www.climate-science.gov/Library/sap/sap4-4/final-report/#finalreport>).

Missing Information: The Scientific Data Gap in Conservation and Chemical Regulation, 83 INDIANA L.J. 399 (2008) (with J. Applegate).

Reflections on the Tenth Anniversary of the Refuge Improvement Act: The Centrality of the Mission, 4 REFUGE UPDATE 12 (Sept./Oct. 2007).

Judicial Review of Agency Noncompliance with Public Land Manuals, 32 ADMINISTRATIVE & REGULATORY LAW NEWS 13 (Spring 2007).

Habitat Federalism, 38 URBAN LAW. 1031 (2006).

The Perils of Defensive Conservation, 4 FRONTIERS IN ECOLOGY & THE ENVIRONMENT 3 (Feb. 2006).

Arctic Refuge Drilling Debate Misses the Big Picture, GRIST MAGAZINE (April 12, 2005).

Laws Governing Forestry, in *Environmental Laws and Their Enforcement*, from ENCYCLOPEDIA OF LIFE SUPPORT SYSTEMS (UNESCO & EOLSS Publishers 2005) <<http://www.eolss.net>>.

Law-Biological Conservation, in ENCYCLOPEDIA OF WORLD ENVIRONMENTAL HISTORY (S. Krech III, J.R. McNeill, & C. Merchant eds., Routledge 2004).

The Crazy-Quilt Refuge System, WILD EARTH, Winter 2003-2004, at 36.

Forestry, in STUMBLING TOWARD SUSTAINABILITY (J. Dernbach ed., Env'tl. Law Inst. 2002).

Information, Coordination, Modification in The Endangered Species Act at 25: What Works?, ENVIRONMENTAL FORUM, Sept./Oct. 1998, at 51.

INDIANA'S BIOLOGICAL DIVERSITY: STRATEGIES AND TOOLS FOR CONSERVATION (Environmental Law Inst. Res. Report 1995) (with J. Bennett, J. McElfish, & A. Beale).

Maryland Chesapeake Bay Critical Areas Program: Wetlands Protection and Future Growth, in COLLABORATIVE PLANNING FOR WETLANDS AND WILDLIFE (D. Porter & D. Salvesen eds., Island Press 1995) (with E. Meyers & A. Marsh).

Institutional Aspects of Ecosystem Protection, in PROCEEDINGS OF THE FIRST NORTH AMERICAN CONFERENCE ON ENVIRONMENTAL LAW (Canadian Inst. Env'tl. L. & Pol'y, Env'tl. L. Inst., Fundacion Mexicana para la Educacion Ambiental 1993).

Clear the Air, 22 ENVIRONMENTAL LAW 1104 (1992).

SUSTAINING THE FORESTS: REINVENTING THE FOREST SERVICE ADMINISTRATIVE APPEAL PROCESS (Environmental Law Institute Report 1992) (with B. Bobertz).

The ESA Already Is a Balancing Act, ENVIRONMENTAL FORUM, July/Aug. 1990, at 31.

A Program Lovely As a Tree, ENVIRONMENTAL FORUM, Mar./Apr. 1990, at 6.

SELECTED CONFERENCE AND SEMINAR PRESENTATIONS

Co-organizer and panelist, academic conference on [*Sackett v. EPA: What the Supreme Court's Decision Means for Regulation and Wetlands Conservation*](#), Maurer & McKinney Schools of Law (Nov. 10, 2023).

Speaker, *Roundtable on Held v. Montana*, Maurer School of Law (Aug. 24, 2023).

Keynote Speaker, *An In-Depth Exploration of Non-Doctrinal Research Methods*, The 20th Annual Colloquium of the IUCN Academy of Environmental Law: Future-Proofing Law in a Time of Environmental Emergency, International Union for the Conservation of Nature (University of Eastern Finland, Centre for Climate Change, Energy and Environmental Law, July 31, 2023).

Witness, *Legislative Hearing on H.J. Res. 29, H.J. Res. 46, H.J. Res. 49 and H.R. 1213*, U.S. House of Representatives Committee on Natural Resources Subcommittee on Water, Wildlife, and Fisheries (Washington, DC, Apr. 18, 2023) ([written](#) & [oral](#) testimony on the Endangered Species Act and the Congressional Review Act).

Organizer & moderator, *Works-in-Progress*, Association of American Law Schools annual meeting, joint session of environmental law and natural resources & energy law sections (Jan. 6, 2023 & Jan. 5, 2022).

Lecturer, *Current Legal Issues in U.S. Protected Areas Management*, Public Law and Governance Series No. 31, Law School, China University of Political Science and Law (Dec. 15, 2022).

Organizer and speaker, [*West Virginia v. EPA: What Does It Mean for the Future of Regulatory and Environmental Law*](#), Maurer School of Law webinar (July 5, 2022).

Participant, *The Future of the Endangered Species Act: The Next 50 Years*, PERC Roundtable (Feb. 16-18, 2022).

Speaker, *Regulatory Trade-offs Between Certainty and Flexibility to Protect Biodiversity*, University of Delaware NAWEA: Transdisciplinary Approaches to Accelerate the Wind Power Transition (Sept. 30, 2021).

Speaker, *Deconstructing the Refuge Improvement Act*, U.S. Fish & Wildlife Service Advanced Refuge Academy, Nat'l Conservation Training Center (Shepherdstown, WV, Aug. 6, 2019, Aug. 8, 2018, Aug. 16, 2017, Aug. 3, 2016, Aug. 12, 2015, Aug. 4, 2014, Aug. 5, 2013, July 24, 2012, Aug. 11, 2011, Aug. 12, 2010).

Panel Chair and Speaker, *The Peril and Potential of Empirical Research for Environmental, Natural Resources, and Energy Law Professors*, Association of American Law Schools Annual Meeting (Jan. 5, 2018).

Lecturer, *Letting Go of Stability: Resilience and Environmental Law*, Inaugural Lecture for the George P. Smith, II Distinguished Professorship, Indiana Univ. Maurer School of Law (Bloomington, IN, Nov. 2, 2017).

Lecturer, *National Wildlife Refuge System Organic Legislation*, U.S. Fish & Wildlife Service Refuge Academy, Nat'l Conservation Training Center (Apr. 3, 2019, Apr. 10 & Oct. 16, 2018, Apr. 25 & Oct. 17, 2017, Apr. 5 & Oct. 18, 2016, Apr. 21 & Oct. 20, 2015, Apr. 1 & Oct. 21, 2014; Apr. 22 & Oct. 22, 2013; Apr. 16 & Oct. 15, 2012; Mar. 28 & Oct. 17, 2011; Apr. 26 & Oct. 18, 2010; Oct. 23, 2009).

Speaker, *Legal Foundations of Refuge Management*, U.S. Fish & Wildlife Service Refuge Improvement Act Course, Nat'l Conservation Training Center (Shepherdstown, WV, May 15, 2018, Aug. 15, 2017, May 17, 2016).

Poster presentation, *Beyond the Land Grants: Professional Graduate Programs as Partners in Conservation*, Midwest Fish & Wildlife Conference (Lincoln, NE, Feb. 5-8, 2017) (with V. Meretsky, G. Salmon, G. White, and K. Shaw).

Speaker, *Wringing Wonder from the Arid Landscape of Law*, Univ. of Colorado Law Sch. Martz Symposium (Boulder, CO, Mar. 11, 2016).

Roundtable Panelist, *Role of States in Endangered Species Protection*, Western Governors' Association Species Conservation and ESA Initiative (Denver, CO, Mar. 10, 2016).

Speaker, *Grazing and Climate Change: Lessons for Public Land Management*, Rocky Mountain Mineral Law Foundation Natural Resources Law Teachers Institute (Salt Lake City, UT, May 29, 2015).

Speaker, *Wildlife Conservation in the Wake of Climate Change*, Fordham Univ. Sch. of Law Conference on Legal Responses to Wildlife Conservation in the 21st Century (New York, NY, Feb. 20, 2015).

Witness, *Legislative Hearing on Six Bills to Amend the Endangered Species Act*, U.S. House of Representatives Committee on Natural Resources (Washington, DC, Sept. 9, 2014) (testimony at <http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=391637>).

Speaker, *Public Lands*, Northwestern Univ. Law School Research Roundtable on Climate Change and Natural Preservation (Chicago, IL, July 18, 2014).

Speaker, *Legal and Policy Issues*, Univ. of Utah College of Law Stegner symposium on National Parks: Past, Present, and Future (Salt Lake City, UT, Mar. 27, 2014).

Speaker, *Integrating State and Regional Plans and Programs into Federal Public Land Management*, George Washington Univ. Law School Shapiro conference on The Role of Planning in Federal Land Management (Washington, DC, Mar. 13, 2014).

Session Leader, *Public Land Management*, Northwestern Univ. Law School Research Roundtable on Natural Preservation in a Rapidly Changing Climate (Chicago, IL, Oct. 5, 2012).

Symposium co-organizer and panelist, *The Future of Conservation Planning*, North American Congress of the Society for Conservation Biology (Oakland, CA, July 18, 2012).

Keynote speaker, *Notes from the Field (of Environmental Law)*, Association for the Study of Literature and Environment biennial conference (Bloomington, IN, June 23, 2011).

Speaker, *Impediments to Responsible Natural Resources Development: The Federal-State Relationship*, Committee on Natural Resources of the National Governors Association (Wash., DC, Feb. 27, 2011).

Organizer, *Animal Migration Conservation Workshop*, Indiana University (Bloomington, IN, Oct. 28-30, 2010).

Speaker, *The Evolution of Planning on Public Lands*, Univ. of Colorado Natural Res. Law Center Conference on THE PAST, PRESENT AND FUTURE OF OUR PUBLIC LANDS (Boulder, CO, June 2, 2010).

Speaker, *How Well Does Existing Law Allow Adaptive Management?*, American Bar Association 2009 Administrative Law Conference (Washington, DC, Oct. 22, 2009).

Moderator and Panel Organizer, *Yellowstone Wildlife Issues*, Natural Resources Law Teachers Institute (Chico, MT, May 28, 2009).

Moderator, *Sustainable Development*, International Public Affairs Association, MULTIDISCIPLINARY PERSPECTIVES ON INTERNATIONAL PUBLIC AFFAIRS: BRIDGING THE GAP BETWEEN THEORY AND PRACTICE (Bloomington, IN, Mar. 6, 2009).

Panelist, *Adaptation to Climate Change and Trust Resources*, U.S. Fish & Wildlife Service Regional Refuge Biologists Annual Meeting (Potomac, MD, Oct. 2, 2007).

Speaker, *Federalism and Natural Resources Policy*, Univ. of Colorado Natural Res. Law Center Conference on THE FUTURE OF NATURAL RESOURCES LAW & POLICY (Boulder, CO, June 6, 2007).

Speaker, *The Social Construction of Nature in American Law*, Poynter Center Conference on NATURE IN THE SCIENTIFIC AND MORAL IMAGINATION (Bloomington, IN, Oct. 21, 2006).

Speaker, *Muscatatuck and the Refuge System*, U.S. FWS Muscatatuck National Wildlife Refuge Fortieth Anniversary (Muscatatuck NWR, IN, Oct. 14, 2006).

Speaker, *Federalism and the Environment: A Revolution Through Devolution?*, Association of American Law Schools Annual Meeting, Section on Environmental Law (Washington, DC, Jan. 5, 2006).

Speaker, *The New Generation of Natural Resources Law Casebooks*, Association of American Law Schools Annual Meeting, Section on Natural Resources Law (Washington, DC, Jan. 5, 2006).

Speaker, *Cooperative Federalism and Natural Resources Law*, U.C. Santa Barbara School of Environmental Science and Management faculty colloquium (Santa Barbara, CA, Oct. 17, 2005).

Distinguished Environmental Law Lecturer, *The Significance of National Wildlife Refuges in the Development of U.S. Conservation Policy*, Florida State University School of Law (Tallahassee, FL, Apr. 4, 2005).

Speaker, *The Problem of Harm in the Endangered Species Act*, Florida State University School of Law faculty colloquium (Tallahassee, FL, Apr. 4, 2005).

Speaker, *Cooperative Federalism in Natural Resources Law*, STATE ROLES IN U.S. ENVIRONMENTAL LAW & POLICY, New York University Sch. of Law (Mar. 25, 2005).

Speaker, *Leadership for the Refuge System*, U.S. Fish & Wildlife Service Region 3 Project Leaders Meeting (Bloomington, MN, Mar. 2, 2005).

Opening plenary speaker, *The National Wildlife Refuges: Moving from Progressive Law to Innovative Action*, U.S. Fish & Wildlife Service CONSERVATION IN ACTION SUMMIT, National Conservation Training Center (Shepherdstown, WV, May 24, 2004).

Speaker and conference chair, *The Meaning of Biological Integrity, Diversity, and Environmental Health*, MANAGING BIOLOGICAL INTEGRITY, DIVERSITY, AND ENVIRONMENTAL HEALTH IN THE NATIONAL WILDLIFE REFUGES, Indiana University (Bloomington, IN, Apr. 2, 2004).

Speaker, *National Wildlife Refuges and the History of Conservation Policy*, public lecture, Smithsonian National Museum of Natural History (Washington, DC, Feb. 20, 2004).

Speaker, *Is the ESA's Future in Jeopardy?*, THE ENDANGERED SPECIES ACT TURNS 30, Lewis and Clark Law School (Portland, OR, Oct. 24, 2003).

Speaker, *National Wildlife Refuge Management Issues*, ALI-ABA ADVANCED CONFERENCE ON FEDERAL LANDS AND NATURAL RESOURCES LAW (Seattle, WA, Sept. 19, 2003).

Panel Chair, *The Water Quality-Quantity Relationship: Regulatory and Legal Trends*, INDIANA WATER RESOURCES ASSOCIATION SYMPOSIUM (Pokagon State Park, IN, June 21, 2002).

Speaker, *The Two Characteristic Styles of Environmental Law: Narrowing the Divide*, Univ. of California at Davis School of Law faculty colloquium (Davis, CA, Mar. 12, 2002).

Speaker, *National Wildlife Refuges, Dominant-Use Regimes Panel; and Chair, Ecosystem Services and Natural Resources Law Panel*; ELEVENTH INSTITUTE FOR NATURAL RESOURCES LAW TEACHERS (Estes Park, CO, June 3, 2001).

Discussant, Workshop on Ecosystem Services and the Protection of Watersheds, Stanford University (Stanford, CA, Nov. 16-17, 2000).

Speaker, *A Lesson for Conservation from Pollution Control Law: Cooperative Federalism for Recovery Under the Endangered Species Act*, Vermont Law School faculty colloquium (South Royalton, VT, Sept. 26, 2000).

Discussant, *The Future of NEPA*, Environmental Law Institute and Jackson Foundation Workshop (Washington, DC, Sept. 22-23, 2000).

Panel Chair, *Handling Heterogeneity*, EIGHTH BIENNIAL MEETING OF THE INTERNATIONAL ASSOCIATION FOR THE STUDY OF COMMON PROPERTY (Bloomington, IN, June 3, 2000).

Speaker, *Regulatory Takings and Environmental Law*, THE COURT, THE CONGRESS, THE PRESIDENT, AND THE PEOPLE: CONTEMPORARY CONTROVERSIES IN CONSTITUTIONAL LAW (Bloomington, IN, Sept. 19, 1999).

Speaker, *The Future of the Endangered Species Act*, University of Cincinnati College of Law (Cincinnati, OH, Apr. 17, 1998).

Speaker, *Ecosystem Management Policy and Politics*, ECOSYSTEM MANAGEMENT WORKSHOP, Univ. of Michigan Sch. of Natural Resources and Environment (Ann Arbor, MI, Mar. 28, 1998).

Instructor, U.S. Environmental Protection Agency Workshop, PROTECTING ENDANGERED SPECIES (Philadelphia, PA, Aug. 6-7, 1997; Dallas, TX, July 1-2, 1997; Seattle, WA, May 20-21, 1997; Denver, CO, Apr. 29-30, 1997; Atlanta, GA, Sept. 24-25, 1996; San Francisco, CA, July 23-24, 1996; Dallas, TX, Sept. 18-20, 1995).

Plenary Speaker, *The National Context for State-Scale Efforts to Conserve Biodiversity*, BIODIVERSITY WORKSHOP: A DIALOGUE ON CONSERVING INDIANA'S NATURAL HERITAGE (Indianapolis, IN, Mar. 13, 1997).

Speaker, *The Future of Our National Parks*, TENTH ANNUAL NATIONAL ASSOCIATION OF ENVIRONMENTAL LAW SOCIETIES CONFERENCE (Chicago-Kent College of Law, Mar. 8, 1997).

Moderator, *Mitigation Banking: Striking a Balance Between Development and Conservation*, THE NEW ENVIRONMENTAL PARTNERSHIP, I.U. Environmental Management Association and the National Association of Environmental Professionals (Bloomington, IN, Mar. 2, 1997).

Speaker, *The Role of Water Law in Promoting Environmental Restoration: An Indiana Perspective*, INDIANA WATER RESOURCES ASSOCIATION ANNUAL CONFERENCE (Madison, IN, June 20, 1996).

Moderator, *The Future of Environmental Regulations in a Changing Political Climate*, SHIFTING PARADIGMS IN ENVIRONMENTAL MANAGEMENT, I.U. Environmental Management Association and the National Association of Environmental Professionals (Bloomington, IN, Mar. 28, 1996).

Moderator, *Future Trends in Regulation*, ENVIRONMENTAL MANAGEMENT IN THE 21ST CENTURY, I.U. Environmental Management Association and the National Association of Environmental Professionals (Bloomington, IN, Apr. 13, 1995).

Discussant, *Have International Environmental Laws and Agencies Been Effective in Controlling Global Pollution?*, INTERNATIONAL ENVIRONMENTAL LAW AND AGENCIES: THE NEXT GENERATION (Bloomington, IN, Mar. 8, 1995).

Instructor, *Towards an Understanding of Environmental Law*, INDIANA UNIVERSITY EPPLEY INSTITUTE SEMINAR FOR U.S. ARMY CORPS OF ENGINEERS (Bloomington, IN, Nov. 16, 1994).

Speaker, *The Role of Science in Defining Water Quality*, THE LAW AS LABORATORY: THE ROLE OF SCIENCE IN EVIDENCE AND ENVIRONMENTAL LAW (Bloomington, IN, Sept. 9, 1994).

Panel Speaker, *Endangered Species Act Implementation Issues*, U.S. ENVIRONMENTAL PROTECTION AGENCY WORKSHOP ON THE ESA (Washington, DC, Jan. 12, 1994).

Speaker, *New Directions in Protecting Biodiversity*, U.S. Environmental Protection Agency (Philadelphia, PA, Dec. 7, 1993).

Instructor, National Park Service Environmental Leadership Course, ENVIRONMENTAL COMPLIANCE: TOOLS FOR PROTECTING PARKS (Denver, CO, Nov. 2, 1993; Salt Lake City, UT, May 3-6, 1993; Boulder, CO, Sept. 21-23, 1992; Colorado Springs, CO, Apr. 17-19, 1991).

Instructor, U.S. Forest Service Continuing Education Program, THREATENED, ENDANGERED AND SENSITIVE SPECIES MANAGEMENT: TRAVERSING THE LEGAL AND ADMINISTRATIVE TERRAIN (Jackson, WY, Sept. 13-16, 1993; Corbett, OR, Nov. 2-4, 1992; Marana, AZ, Mar. 9-13, 1992).

Speaker, *Public Participation in U.S. Forest Service Planning*, NORTH AMERICAN CONFERENCE ON ENVIRONMENTAL LAW AND POLICY (Coolfont, WV, June 7-9, 1993).

Panel Moderator, *Endangered Species: Economics v. Environment?* NATIONAL ASSOCIATION OF ENVIRONMENTAL LAW SOCIETIES CONFERENCE (Bloomington, IN, Jan. 30, 1993).

Speaker, *Institutional Aspects of Ecosystem Protection: Pacific Northwest Ancient Forests and Florida Everglades*, NORTH AMERICAN CONFERENCE ON ENVIRONMENTAL LAW AND POLICY (Tepetzotlan, Mexico, Nov. 16-18, 1992). Paper published in conference proceedings.

Speaker, *Alternatives to Current Public Lands Appeals Processes*, NATURAL RESOURCES AND PUBLIC LANDS DECISIONS: ADMINISTRATIVE APPEALS AND JUDICIAL REVIEW, American Bar

Ass'n Sect. of Natural Resources, Energy, and Environmental Law Conf. (Denver, CO, May 22, 1992).

Speaker and Panel Moderator, *Recent Developments Under NEPA and the ESA and Current Issues in Wetlands Regulation*, FRANK J. TRELEASE SYMPOSIUM ON NATURAL RESOURCES AND ENVIRONMENTAL LAW, Univ. of Wyoming College of Law (Jackson, WY, Apr. 3-4, 1992).

Instructor, *Pulling it all Together — Biodiversity*, EPA ENDANGERED SPECIES WORKSHOP, U.S. Fish and Wildlife Service (Washington, DC, July 11, 1991).

Panel Moderator, *Industry and Government Cooperation to Reduce Air Pollution and Improve Forestry*, GREENHOUSE: NEW TECHNOLOGIES, BUSINESS OPPORTUNITIES, AND STRATEGIES FOR REDUCING U.S. GREENHOUSE GAS EMISSIONS, EPA/Center for Global Change/Harvard Kennedy School/Princeton Center for Energy and Environmental Studies Conference (Tyson's Corner, VA, June 19, 1990).

Speaker, *Sea Level Rise*, FOCUS ON MARYLAND'S FORGOTTEN BAYS, Sierra Club Conference (Ocean City, MD, May 5, 1990). Remarks published in conference proceedings.

Panel Moderator and Speaker, THE ROLE OF TREE PLANTING IN CONTROLLING ATMOSPHERIC CARBON DIOXIDE, Environmental Law Institute Associates Seminar (Wash., DC, Feb. 13, 1990).

Speaker, *Legal and Institutional Implications*, ADAPTIVE OPTIONS AND POLICY IMPLICATIONS OF SEA LEVEL RISE AND OTHER IMPACTS OF GLOBAL CLIMATE CHANGE, Inter-governmental Panel on Climate Change (Miami, FL, Nov. 29, 1989). *Legal Implications of Response Strategies to Mitigate Coastal Wetlands Loss from Sea Level Rise*, published in conference proceedings.

Panel Moderator and Speaker, NORTHEASTERN PUBLIC FOREST MANAGEMENT ISSUES: RESPONDING TO NEW EXTERNAL PRESSURES, Environmental Law Institute Associates Seminar (Washington, DC, Apr. 25, 1989).

Commentator, *The Environment*, IS REREGULATION NEXT? WHAT DO THE 1990S HOLD FOR REGULATORY ISSUES?, Washington and Lee University School of Law Regulation Colloquium (Lexington, VA, Apr. 8, 1989).

REFEREE AND REVIEWER

American Ethnologist
American University Washington College of Law
Arizona-Sonora Desert Museum
Ashgate Press
BioScience
Columbia University Press
Conservation Biology
Environmental Management
Florida International University College of Law
Fulbright Award Selection Committee
Illahee, Journal for the Northwest Environment
Ind. J. Global Legal Studies
Ind. Magazine of History
Island Press
John Simon Guggenheim Memorial Foundation
Journal of Energy and Natural Resources Law
Journal of Fish and Wildlife Management
Land Use and Environmental Law Review
Lexis/Nexis
Northwestern School of Law, Lewis & Clark College
O'Neill School of Public & Env'tl. Affairs, Indiana Univ.
Oxford University Press
Proceedings of the National Academy of Sciences (PNAS)
Review of Policy Research (American Political Science Association)
Science (American Association for the Advancement of Science)
Southern Illinois University at Carbondale School of Law
Stetson University College of Law
U.S. Environmental Protection Agency, Science to Achieve Results
University of California Press
University of California, Santa Barbara, Bren Sch. of Env'tl. Science & Management
University of California, Irvine, School of Law
University of Colorado Press
University of Colorado School of Law
University of Florida Levin College of Law
University of Montana School of Law
University of New Mexico
University of Utah S.J. Quinney College of Law
Utah State University Center for Growth and Opportunity
Vermont Law School
Yale Law Journal
Yale University Press

MEMBERSHIPS

American Law Institute (elected 2019)
Ass'n of Am. Law Schools: Chair, Section on Natural Resources & Energy Law (2021-22)
(elected officer 2019-22); Executive Committee, Section on Env'tl. Law (2018 - 2023).
Steering Committee, Indiana Univ. Env'tl. Resilience Inst. (2017 - 2019).
Advisory Board, Midwest Center for Biological Diversity (2023 - present)
Advisory Board, Eppley Institute for Parks and Public Lands (2015–2019, 2022 - 2024).
Member Scholar, Center for Progressive Reform (2008 - present).
Board of Directors (and co-founder), Conservation Law Center, Inc. (2005 - present). Treasurer
(2005-2012). Secretary (2019-present).
Board of Governors, Univ. of Michigan Sch. of Natural Resources & Environment (1994-1997).
District of Columbia Bar (1990 - present).
State Bar of California (1988 - present) (inactive status since 1993).
Sigma Xi, the scientific research honor society (1984 - present).