

DANIEL H. COLE

curriculum vitae

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PROFESSIONAL APPOINTMENTS

Indiana University Maurer School of Law	
Robert H. McKinney Professor of Law	Since July 2020
Professor of Law	Since August 2011
Harry T. Ice Faculty Fellow	Since Aug. 2017
Indiana University O'Neill School of Public and Environmental Affairs	
Professor of Public and Environmental Affairs	Since August 2011
Indiana University Department of Political Science	2013-2017
Adjunct Professor of Political Science	
Vincent and Elinor Ostrom Workshop in Political Theory and Policy Analysis (IU)	
Affiliated Faculty	Nov. 2007-2016
Member, Workshop Advisory Council	Sept. 2010 – Feb. 2015
Chair, Workshop Advisory Council	Nov. 2011 – Jul. 2014
Indiana University School of Law at Indianapolis	
R. Bruce Townsend Professor of Law	July 2003-July 2011
M. Dale Palmer Professor of Law	July 1999–June 2003
Professor of Law	July 1997-August 1999
Associate Professor of Law	July 1994-June 1997
Assistant Professor of Law	August 1991-June 1994
Washington University School of Law	
John S. Lehmann Distinguished	
Visiting Professor of Law	August–December 2001
University of Cambridge	
Clare Hall (College of Advanced Studies)	
Life Member	Since January 2001
Visiting Fellow	June–December 2000
Faculty of Law and Department of Land Economy	
Visiting Scholar	June-December 2000
Department of Land Economy	
Visiting Lecturer	March 2002
Stanford Law School	
Instructor-in-Law	1989-1991

COURSES TAUGHT

Property, Climate Law & Policy, Law & Economics, Seminar in Institutional Analysis & Development, Environmental Law (law student course & undergrad course), Natural Resources Law, Seminar in Property Theory, Law & Public Affairs (undergrad), Legal History of Environmental Protection (undergrad)

EDUCATION

Stanford Law School, J.S.D. 1996; J.S.M. 1991

Northwestern School of Law, Lewis and Clark College, J.D., *cum laude*, with Certificate in Environmental and Natural Resources Law, 1986

University of Chicago, A.M., Philosophy, 1981

Occidental College, A.B., Philosophy, *cum laude*, 1980

PUBLICATIONS

Books

INTERNATIONAL HANDBOOK OF THE COMMONS (co-edited with Blake Hudson and Jonathan Rosenberg) (Edward Elgar 2019).

ELINOR OSTROM AND THE BLOOMINGTON SCHOOL OF POLITICAL ECONOMY, VOLUME 4: APPLICATIONS AND EXTENSIONS (co-edited with Michael D. McGinnis) (Lexington Books 2018)

ELINOR OSTROM AND THE BLOOMINGTON SCHOOL OF POLITICAL ECONOMY, VOLUME 3: A FRAMEWORK FOR POLICY ANALYSIS (co-edited with Michael D. McGinnis) (Lexington Books 2017).

ELINOR OSTROM AND THE BLOOMINGTON SCHOOL OF POLITICAL ECONOMY, VOLUME 2: NATURAL RESOURCES (co-edited with Michael D. McGinnis) (Lexington Books, 2015)

ELINOR OSTROM AND THE BLOOMINGTON SCHOOL OF POLITICAL ECONOMY, VOLUME 1: POLYCENTRICITY IN PUBLIC ADMINISTRATION AND POLITICAL SCIENCE (co-edited with Michael D. McGinnis) (Lexington Books 2015).

PROPERTY IN LAND AND OTHER RESOURCES (co-edited with Elinor Ostrom) (Lincoln Institute, 2012)

NATURAL RESOURCES LAW (casebook, with Jan Laitos, Sandra Zellmer and Mary Wood) (West 2006)

PRINCIPLES OF LAW & ECONOMICS (co-authored with Peter Z. Grossman) (Prentice-Hall 2004); Second edition (Kluwer/Aspen 2011).

THE END OF A NATURAL MONOPOLY: DEREGULATION AND COMPETITION IN THE ELECTRIC POWER INDUSTRY (co-edited with Peter Z. Grossman) (JAI Press 2003) (now published by Routledge)

POLLUTION AND PROPERTY: COMPARING OWNERSHIP INSTITUTIONS FOR ENVIRONMENTAL PROTECTION (Cambridge University Press, 2002); Chinese translation (Cambridge University Press and Peking University Press, 2010)

INSTITUTING ENVIRONMENTAL PROTECTION: FROM RED TO GREEN IN POLAND (Macmillan and St. Martin's 1998)

ENVIRONMENTAL PROTECTION IN TRANSITION: ECONOMIC, LEGAL, AND SOCIO-POLITICAL PERSPECTIVES ON POLAND (co-edited with John Clark) (Ashgate, 1998)

Selected Articles, Essays, and Book Chapters

Goldilocks Deference?, 18 JOURNAL OF EMPIRICAL LEGAL STUDIES __ (forthcoming 2021).

Institutional Analysis for New Governance Scholars (with Elizabeth Baldwin and Tingjia Chen), 21 PUBLIC MANAGEMENT REVIEW 890 (2019).

Grandfathering (with Maria Damon, Elinor Ostrom, and Thomas Sterner), 13 Review of Environmental Economics and Policy 23 (2019). (Supported by FORMAS grant from Swedish government.)

Law and social norms in the Institutional Analysis and Development Framework, 13 JOURNAL OF INSTITUTIONAL ECONOMICS 829-847 (2017); selected as one of five finalists for Elinor Ostrom Award from the World Interdisciplinary Network for Institutional Research for the "best article" published in the Journal of Institutional Economics in 2017.

The Evolution of Polycentric Governance of Irrigation Water in Kenya (with Elizabeth Baldwin, Camille Washington-Ottembre, Jampel Dell'Angelo, and Tom Evans), 29 GOVERNANCE 207-225 (2016)

The Problem of Shared Irresponsibility in International Climate Law, in DISTRIBUTION OF RESPONSIBILITIES IN INTERNATIONAL LAW (André Nollkaemper and Dov Jacobs, eds, Cambridge University Press 2015), pp. 290-320.

Advantages of a polycentric approach to climate change policy, 5 NAT. CLIMATE CHANGE 114-118 (2015).

Digging Deeper into Hardin's Pasture: The Complex Institutional Structure of 'The Tragedy of the Commons', 10 J. INST. ECON. 353-369 (2014) (co-authored with Graham Epstein and Michael McGinnis). Recipient of Elinor Ostrom Award from the World Interdisciplinary Network for Institutional Research for the "best article" published in the Journal of Institutional Economics in 2014.

The Varieties of Comparative Institutional Analysis, 2013 WISC. L.REV. 383-409 (2013).

Law, Politics, and Cost-Benefit Analysis, 64 ALA. L. REV. 55-89 (2012).

The Variety of Property Systems and Rights in Natural Resources, in PROPERTY IN LAND AND OTHER RESOURCES 37-64 (D.H. Cole & E. Ostrom, eds, 2012) (with Elinor Ostrom)

Property Creation by Regulation: Rights to Clean Air and Rights to Pollute, in PROPERTY IN LAND AND OTHER RESOURCES 125-154 (D.H. Cole & E. Ostrom, eds, 2012)

Institutions Matter! Why the Herder Problem Is Not a Prisoners' Dilemma, 69 THEORY & DECISION 219-231 (2010) (with Peter Z. Grossman) (peer reviewed)

Climate Change and Collective Action, 61 CURRENT LEGAL PROBLEMS 229-264(2009)(invited paper; peer reviewed)

The Stern Review and Its Critics: Implications for the Theory and Practice of Benefit-Cost Analysis, 48 NAT. RESOURCES J. 53-90 (2008) (peer reviewed); Italian translation in, 4/2007 QA–*Revista dell’Associazione Rossi-Doria* 11-48(2007)

La complexité choix d’un régime de appropriation en matière de protection environnementale, in LES RESSOURCES FONCIÈRES - DROIT DE PROPRIÉTÉ, ÉCONOMIE ET ENVIRONNEMENT; VI^E CONFÉRENCE INTERNATIONALE AIX-EN-PROVENCE UNIVERSITÉ PAUL CÉZANNE 26, 27, 28 JUIN 2006, 75 -88 (Max Falque, Henri Lamotte, and Jean-François Saglio, eds, 2007).

Climate Change, Adaptation, and Development, 26 UCLA JOURNAL OF ENVIRONMENTAL LAW & POLICY 1-19 (2007 Evan Frankel Program Symposium Issue: Coping with Global Warming)

‘Best Practice’ Standards for Regulatory Benefit-Cost Analysis, 23 RESEARCH IN LAW & ECONOMICS 1-47 (2007) (peer reviewed); *Reprinted in Applied Benefit-Cost Analysis* (Andrew Schmitz and Richard O. Zerbe, eds, 2008)

Political Institutions, Judicial Review, and Private Property: A Comparative Institutional Analysis, 15 SUPREME COURT ECONOMIC REVIEW 141-182 (2007) (peer reviewed)

Stranded Costs vs. Stranded Benefits in Utility Deregulation, in THE END OF A NATURAL MONOPOLY: DEREGULATION AND COMPETITION IN THE ELECTRIC POWER INDUSTRY 169-190 (P.Z. Grossman and D.H. Cole, eds, 2003) (with Reed Cearley)(peer reviewed)

The Meaning of Property Rights: Law vs. Economics?, 78 LAND ECONOMICS 317-330 (2002) (with Peter Z. Grossman) (peer reviewed)

Toward a Total-Cost Approach to Environmental Instrument Choice, in T. Swanson & R. Zerbe (eds), An Introduction to the Law and Economics of Environmental Policy: Issues in Institutional Design, 20 RESEARCH IN LAW & ECONOMICS 225-243 (2002) (with Peter Z. Grossman) (peer reviewed)

‘An Unqualified Human Good’: E.P. Thompson and the Rule of Law, 28(2) JOURNAL OF LAW & SOCIETY 177-203 (2001) (peer reviewed)

New Forms of Private Property: Property Rights in Environmental Goods, II ENCYCLOPEDIA OF LAW AND ECONOMICS 274-314 (B. Bouckaert and G. DeGeest, eds, 2000) (peer reviewed); revised and updated for PROPERTY LAW AND ECONOMICS, VOLUME 5: ENCYCLOPEDIA OF LAW AND ECONOMICS (B. Bouckaert ed., 2d ed., 2010)

Clearing the Air: Four Propositions about Property Rights and Environmental Protection, 10 DUKE ENVIRONMENTAL LAW & POLICY FORUM 103-130 (1999) (1998 Cummings Colloquium contribution)

When is Command-and-Control Efficient? Institutions, Technology, and the Comparative Efficiency of Alternative Regulatory Regimes for Environmental Protection, 1999 WISCONSIN LAW REVIEW 887-938 (1999) (with Peter Z. Grossman); *reprinted in THE THEORY AND PRACTICE OF COMMAND AND CONTROL IN*

ENVIRONMENTAL POLICY 115-166 (G.E. Helfand and P. Berck eds., 2004); *also reprinted in* ECONOMICS OF ENVIRONMENTAL LAW (R. Brooks, N.O. Keohane, & D.A. Kysar eds., 2009) .
From Renaissance Poland to Poland's Renaissance, 97(6) MICHIGAN LAW REVIEW 2062-2102 (Spring 1999)

Accounting for Sustainable Development, 8 FORDHAM ENVIRONMENTAL LAW JOURNAL 123-132 (1997)

Poland's Progress: Environmental Protection in a Period of Transition, 2 PARKER SCHOOL JOURNAL OF EAST EUROPEAN LAW 279-319 (1995)

An Outline History of Environmental Law and Administration in Poland, 18 HASTINGS INTERNATIONAL & COMPARATIVE LAW REVIEW 297-358 (1995)

Cleaning Up Kraków: Poland's Ecological Crisis and the Political Economy of International Environmental Assistance, 2 COLORADO JOURNAL OF INTERNATIONAL ENVIRONMENTAL LAW & POLICY 205-245 (1991)

Liability Rules for Surface Water Drainage: A Simple Economic Analysis, 12 GEORGE MASON UNIVERSITY LAW REVIEW 35-55 (1990)

Reviving the Federal Power Act's Comprehensive Plan Requirement: A History of Neglect and Prospects for the Future, 16 ENVIRONMENTAL LAW 639-671 (1986) (symposium contribution)

SELECTED PRIZES, AWARDS, FELLOWSHIPS AND GRANTS

Book Prizes and Other Writing Awards

2015 Elinor Ostrom Prize, awarded by the World Interdisciplinary Network for Institutional Analysis for the "best" article published in the *Journal of Institutional Economics* in 2014, for "Digging Deeper into Hardin's Pasture: The Complex Institutional Structure of 'The Tragedy of the Commons'" (co-authored with Graham Epstein and Michael McGinnis).

2001, "When is Command-and-Control Efficient: Institutions, Technology, and the Comparative Efficiency of Alternative Regulatory Regimes for Environmental Protection," 1999 Wis. L.Rev. 887, one of 10 articles selected from 400 candidates for inclusion in 32 Land Use & Env't. L.Rev. (2001)

1999 American Association for the Advancement of Slavic Studies/Orbis Polish Book Prize for Instituting Environmental Protection: From Red to Green in Poland (Macmillan and St. Martin's Press 1998)

Teaching Awards

2019, "Best Undergraduate Teaching Award," IU O'Neill School of Public & Environmental Affairs
1997, 1999 & 2003 Teaching Excellence Recognition Awards, Indiana University
1996 & 1999 "Black Cane Outstanding Professor Award"
Student Bar Association, Indiana University School of Law
1993 "Best New Professor Award"
Student Bar Association, Indiana University School of Law

Fellowships, Grants, and Honors

2011-2014 Co-Principal Investigator, NSF Coupled Natural and Human Systems Grant
2010-2013 Co-Principal Investigator, FORMAS Grant, Swedish Government, under contract with
Gothenburg University,
1997-98 Paul E. Beam Research Fellowship, Indiana University School of Law at Indianapolis
1995 Travel Grant, International Research and Exchanges Council (IREX)

SELECT PRESENTATIONS

“Systemic Impediments to Environmental Protection in China,” invited presentation, Peking University School of Law, June 2018.

“The Place of Formal Legal Rules in Elinor Ostrom’s IAD Framework,” Annual Meeting of the World Interdisciplinary Network for Institutional Research, Boston, MA. Sept. 2-4, 2016.

Public lecture on “Common-Pool Resource Problems as Assurance Games with Complex Institutional Structures,” Australian National University, Canberra, Australia, March 16, 2016.

Led workshop on the Bloomington School’s Systematic Approach to Institutional Analysis, Crawford School of Public Policy, Australian National University, Canberra, Australia, March 11, 2016. (More than 60 registrants.)

“Formal Institutions and the IAD Framework: Bringing the Law Back In,” Inception Conference of the Workshop in Institutional Analysis, Humboldt University, Berlin, Germany, July 15, 2014

“Trust, Cooperation, and Polycentric Climate Negotiations,” NYU School of Law, New York, Dec. 13, 2013.

“Property 2.0: Beyond the ‘Naïve’ Theory of Property Rights,” Diego Portales University School of Law, Santiago, Chile, Nov. 22, 2013.

“Program in Institutional Analysis of Social-Ecological Systems (PIASES): An Introduction,” plenary session presentation, Annual Meeting of the International Society for New Institutional Economics, Florence, Italy, June 20-23, 2013.

“The Problem of Shared Irresponsibility in International Climate Law,” SHARES Program Conference on Shared Responsibility in International Law, University of Amsterdam, May 30-31, 2013.

“Elinor Ostrom and her Workshop,” plenary session presentation, Eco-Summit, Columbus, OH, Oct. 4, 2012.

“Property 2.0,” University of Groningen Faculty of Law, Groningen, The Netherlands, May 14, 2012.

“Can Tipping Sets Change the Climate Game? A Comment on Heal and Kunreuther,” Emory Law School Roundtable on Climate Policy in a Time of Dissensus, Atlanta, GA, Oct. 28, 2011.

"From Global to Polycentric Climate Governance," European University Institute Workshop on Comparative Institutional Analysis and Global Governance," May 9, 2011, Florence, Italy.

"The Variety of Property Rights and Systems and Rights in Natural Resources," with Elinor Ostrom, Conference on the Evolution of Property Rights in Land and Natural Resources," Lincoln Institute, Cambridge, Mass., Sept. 20, 2010.

"Regulation in a Hyper-Partisan Era," Roundtable discussion with Richard Revesz, Jonathan Cannon and E. Donald Elliott, Annual Workshop on Cost-Benefit Analysis and Issue Advocacy, Institute for Policy Integrity, New York University School of Law, New York, Sept. 15, 2010.

"Statutory, Methodological, and Political Obstacles to More and Better Regulatory Benefit-Cost Analyses," MacArthur Foundation Conference on "Unleashing the Power of Social Benefit-Cost Analysis: Removing Barriers," Washington DC, Oct. 20, 2009.

"Combined Issues of Climate Policy and Energy Policy," Searle Center Research Roundtable on Energy, Technology, and Institutions, Northwestern University, Chicago, June 1-2, 2009.

"Regulatory Cost-Benefit Analysis and Collective Action," Gruter Institute "Workshop on the Context and Evolution of Mechanisms for Resolving Collective Action Problems," Workshop in Political Theory and Policy Analysis, Indiana University-Bloomington, May 1-2, 2009.

"Climate Change and Collective Action," Faculty of Law, University of Oxford, May 12, 2008.

"The Road from Kyoto: Toward a More Realistic International Climate Change Regime," Lauterpacht Centre for International Law, University of Cambridge, November 16, 2007.

"The Stern Review and Its Critics," Canadian Law and Economics Association Annual Meeting, Toronto, Ontario, Sept. 29, 2007

"The Road from Kyoto: Toward a More Effective International Climate Change Regime," Distinguished Visitor Lecture, Dr. Andrew R. Thompson Program for Natural Resources Law and Policy, University of British Columbia Faculty of Law, Vancouver, BC, October 3, 2006.

"Economic Growth and Environmental Protection in China: Moving Along the Environmental Kuznets Curve," ESADE Business School, Barcelona, Spain, October 29, 2005.

"The Complexities of Property-Regime Choice for Environmental Protection," Cambridge University, Department of Land Economy, March 6, 2002.

"Toward a Total-Cost Approach to Environmental Instrument Choice," Workshop on the Law & Economics of Environmental Policy, University College, London, Sept. 6, 2001.

"Hohfeld for Economists: How to Distinguish Property Rights from Lesser Entitlements," "Invited Lecture" to plenary session of 17th Annual Meeting of the European Association of Law and Economics, Gent, Belgium, Sept. 14, 2000.

“When is Command-and-Control an Efficient Regulatory Regime for Environmental Protection?,” Resources for the Future, Washington, D.C., March 15, 2000.

“Environmental Protection in Post-Communist Poland,” presented at the First Annual Harvard Colloquium on International Affairs: “Ten Years after the Fall of the Wall: Transition and Transformation in Eastern Europe and the Former Soviet Union,” Harvard University, Cambridge, Mass, March 11, 2000.

“When is Command-and-Control Efficient? Institutions, Technology, and the Comparative Efficiency of Alternative Regulatory Regimes for Environmental Protection” (with Peter Z. Grossman), 2d annual conference of the International Society for New Institutional Economics, Paris, France, Sept. 19, 1998

“Environmental Protection in Post-Communist Poland: A Legal and Economic Analysis,” 6th Annual Meeting of the American Law and Economics Association, Chicago, Illinois, May 10, 1996.

“Structural Improvements for Environmental Protection in Post-Communist Poland,” Vth World Congress of Central and East European Studies, Warsaw, Poland, August 9, 1995.

SELECT PROFESSIONAL ACTIVITIES

May 2010. Appointed to “Scientific Committee,” MacArthur Foundation/Society for Benefit-Cost Analysis Project on Developing Principles and Standards for Benefit-Cost Analysis. (Subsequently resigned over disagreements about failure of authors to subject aspects of final report relating to discount rates prior to publication.)

October 2003 to March 2005. Member, Board of Electors, Professorship of Land Economy, Cambridge University (appointed by Cambridge University Council).

August 1996. Reported to the American Bar Association Central and East European Law Initiative on draft Russian Federation law “On Protection of Ambient Air.”

Sept. 13, 1995. Participated in a private conference, sponsored by the Polish Ministry of Environmental Protection and the European PHARE program, on drafting a new basic environmental protection law for Poland. The conference was held in Wrocław, Poland, and was organized by the Polish Environmental Law Association.

SELECTED PROFESSIONAL AFFILIATIONS

Member, Scientific Council, Opole University Studies in Administration and Law (Poland) (since 2021)

Affiliated Faculty member, Vincent & Elinor Ostrom Workshop in Political Theory & Policy Analysis (2007-2014; 2019-present); Member, Advisory Committee (2011-2015); Chair, Advisory Committee (2012-14)

Affiliated Faculty member, Berlin Workshop in Institutional Analysis of Social-Ecological Systems (WINS), Humboldt University, Berlin (since 2015)

Life Member, Clare Hall, University of Cambridge (since 2000)

Board of Advisors, Institute for Policy Integrity, New York University School of Law (2009-2017)