We’re making global strides

In 2010-11 the Environmental and Natural Resources Law Program made global strides, literally and figuratively, while keeping our deep sense of place planted firmly in the Pacific Northwest. Our faculty visited our new partner law schools in India, blogged about environmental issues from Spain and Italy, and launched the world’s first Animal Law LL.M. Our students and clinics ensured the closure of a coal plant in Oregon, assisted developing countries with climate change issues in Cancun, Bangkok and Durban, and settled a case that may stem the tide of invasive species brought into U.S. waters from international ships. Our international LL.M. students provided important perspectives on environmental issues from Cameroon, India, France and Peru. It is a small world, after all.

Our visiting speakers series, now in its 23rd year, provided insight into global environmental issues. Our 2010 NRLI Distinguished Visitor, Yale’s Douglas Kysar, spoke on What Climate Change Can Do About Tort Law. M.C. Mehta, one of the world’s most renowned activists and India’s “One Man Enviro-legal Brigade,” spoke on Saving the Taj Mahal, and Other Stories from the Frontlines of Indian Environmental Litigation. Our NRLI Distinguished International Visitor, Dr. Christian Calliess of Freie Universitat in Berlin, spoke on European Environmental Law: The Principle of Sustainability, Climate Protection and Energy Policy in the European Union.

Closer to home, our faculty and students continue to work and learn together in an intellectually demanding, yet collegial atmosphere. A stroll down the north side of Wood Hall allows you to eavesdrop on students in the clinic workroom scrambling to finish a brief, or professors meeting with students who need guidance on their paper topics. If it gets too hectic, a walk through Tryon Creek State Park, which practically surrounds the law school, brings perspective and inspiration. In Fall 2011 we honored the retirement of our amazing colleagues, Professors Jim Huffman and Janet Neuman, and also said goodbye to Lin Harmon, former Assistant Director of the Environmental Law Program. We wish them well as they make strides in their personal lives and careers.

Our global reach will continue in 2011-12. In addition to lectures and events here at the law school we are planning a joint environmental conference in India with the National Law School in Delhi. Join us in Portland or India—whether in person or by podcast. See inside for all the details on our students’ and faculty’s many accomplishments.
Happening in the 2011-12 Academic Year

24TH ANNUAL NRLI DISTINGUISHED ENVIRONMENTAL LAW SPEAKER AND AWARDS
Professor Jody Freeman, Archibald Cox Professor of Law at Harvard Law School: The President’s Role in Environmental Law
Distinguished Environmental Law Graduate Awards: Gary Meyers, ’82; Janis Searles Jones, ’95; Reuben Plantico, ’82
October 4, 2011 • Lewis and Clark Law School

19TH ANNUAL ANIMAL LAW CONFERENCE
Animal Law: Standing Up for Animals: Can a Bad Economy Inspire Greater Goodness?
October 14-16, 2011 • Lewis & Clark Law School

FALL SYMPOSIUM 2011: 21ST CENTURY WATER LAW
To commemorate the retirements of Professor (and former Dean) Jim Huffman and Professor (and former Associate Dean) Janet Neuman, Lewis & Clark Law School and Environmental Law held a symposium on water law and its future.
October 7, 2011 • Lewis and Clark Law School

ENVIRONMENTAL LAW CONFERENCE
The Migratory Bird Treaty Act: Reshaping a Powerful Conservation Tool?
October 20-22, 2011 • Lewis and Clark Law School

2012 ENVIRONMENTAL LAW SUMMER PROGRAM
1 week Energy Law intensives
2 week NEPA–Wetlands–Natural Resources–Wildlife Crimes
5 week Environmental Law and Administrative Law
http://law.lclark.edu/programs/summer_session/courses/environmental_law/

2012 SUMMER INTENSIVE ANIMAL LAW PROGRAM
International Wildlife Law
Animal Law Litigation
Animal Rights Law & Jurisprudence
Law of Humane Science
http://law.lclark.edu/programs/summer_session/courses/animal_law

In addition to these highlighted events, the Law School has a full calendar of environmental, natural resources, and animal law events throughout the academic year. Many of our events are free and open to the public. To keep posted on what’s happening or to download podcasts of events, please visit our website at lclark.edu/dept/elaw.
Lewis & Clark law students once again excelled in moot courts testing skills at negotiation, client counseling, trial advocacy, appellate advocacy, and legislative drafting. The 8th annual National Animal Law Competitions, presented by Lewis and Clark’s Center for Animal Law Studies, in collaboration with the Animal Legal Defense Fund and hosted at Harvard Law School, were a huge success. All three individual competitions were completely sold out. In all, 27 law schools from around the country participated in one or more of the three competition components (Appellate Moot Court Argument, Closing Argument, Legislative Drafting and Lobbying). Lewis & Clark student Meredith Price took first place in the Legislative Drafting & Lobbying Competition. Tara Gallagher and Ashley MacKenzie took second place in the Appellate Moot Court Competition, and Jessica Sue Johnson took second place in the Closing Argument Competition.

In the National Environmental Law Moot Court Competition, with 72 other schools competing, Lewis & Clark students Ellie Dawson, John Krallman, and Marla Nelson took second place. Team member John Krallman was also recognized as the co-runner-up for best oralist in the entire competition. Our environmental law moot court program has had a stunning record of success at the national competition held at Pace Law School in New York. This marks the 13th time in the last 20 years that a Lewis & Clark team has made the finals. We have been fortunate enough to win the competition seven times in those 20 years.

Symposium Honoring Retiring Professors and Water Law Scholars Jim Huffman and Janet Neuman

Lewis & Clark Law School and Environmental Law held a symposium on water law and its future in October 2011. Professor Michael Blumm organized the festschrift for his retiring water law colleagues Jim Huffman (Professor and former Dean), and Janet Neuman (Professor and former Associate Dean). Panelists included nine distinguished water law scholars from throughout the country. The participants discussed topics as divergent as the convergence of Eastern and Western water law, water rights and changing ecological conditions, takings and riparian water rights, watershed governance and coastal zone management, climate change and water law, and the Oregon public trust doctrine. The results, published in volume 42 of Environmental Law, will include Blumm’s “The Water Law Scholarship of Jim Huffman and Janet Neuman: Prologue to the Festschrift” (http://ssrn.com/abstract=1952976); and “The Oregon Public Trust Doctrine: Public Rights in Waters, Wildlife, and Beaches” (http://ssrn.com/abstract=1925112). Podcasts of this event are available at http://lawlib.lclark.edu/podcast/?p=5703
Faculty Scholarship
2010-11

Professor Michael C. Blumm


““Constitutional Law and Separation of Powers,” in Developments in Administrative Law and Regulatory Practice

“Manning the Gates: Standing as a Barrier to Judicial Policing of Agency Action,” in Global Law and Administrative Law


“Regulation By Litigation: Not so Bad?,” Regulation & Governance (2010)

“Climate Change and the Puget Sound: Building the Legal Framework for Adaptation,” Center for Progressive Reform (2011) (co-authored with other C.P.R. Scholars)

Professor William Funk


Teachers Manual for Legal Protection of the Environment, 3d ed. (with Johnston and Flatt)

Introduction to American Constitutional Structure, Thompson West (2011 Supplement)

CHAPTERS: “Constitutional Law and Separation of Powers,” in Developments in Administrative Law and Regulatory Practice

“Manning the Gates: Standing as a Barrier to Judicial Policing of Agency Action,” in Global Law and Administrative Law


“Regulation By Litigation: Not so Bad?,” Regulation & Governance (2010)

“Climate Change and the Puget Sound: Building the Legal Framework for Adaptation,” Center for Progressive Reform (2011) (co-authored with other C.P.R. Scholars)

Professor Craig Johnston

BOOKS: Teachers Manual for Legal Protection of the Environment, 3d ed. (with Funk and Flatt)


continued on page 6
Professor Susan Mandiberg

Professor Janet Neuman

Professor James L. Huffman

Professor Dan Rohlf,
Of Counsel PEAC
ARTICLES: “Making Good Use of Adaptive Management,” Center for Progressive Reform” (2011) (co-authored with other C.P.R. Scholars)
“Regulatory Blowout: How Regulatory Failures Made the BP Disaster Possible, and How the System Can Be Fixed to Avoid a Recurrence,” Center for Progressive Reform (2010) (co-authored with other C.P.R. Scholars)

Clinical Professor Erica Lyman,
IELP Staff Attorney

Professor Chris Wold,
IELP Director

Assistant Dean Pamela Frasch,
Executive Director of the Center for Animal Law Studies
Animal Law in a Nutshell, Thomson/ West (2011) (co-authored with Katherine M. Hessler, Sarah M. Kutil and Sonia W. Waismann)
“Crime Restoration and Responsibility,” Research Project report No. 185, Chiba University Graduate School of Humanities and Social Sciences, pp. 36-44. (From proceedings of the Japanese Association of Legal Philosophy.)
“Report and Recommendations on the Status of Clinical Faculty in the Legal Academy,” (B.L. Adamson et al., co-authors, 60 J. Legal Ed. (2010)

Clinical Professor Kathy Hessler,
Animal Law Clinic Director
ARTICLES: “The Role of the Animal Law Clinic,” 60 J. Legal Ed. 263 (Number 2/ November 2010)
With seven lawyers and a new office in Boston, Massachusetts, PEAC is expanding its reach and impact. While PEAC will continue to serve the Pacific Northwest, it will also look beyond the region for important environmental issues and to provide students with a wider array of cases on which to work. The Boston office is staffed by Kevin Cassidy ('02). "I've been in touch with many alums," Cassidy says. "Without exception, they are happy to hear PEAC is in the neighborhood, so to speak, and are looking forward to finding ways we can collaborate. They know the value that PEAC brings to a case, because many of them are former PEAC students, too. Each year, some percentage of Lewis and Clark grads will come east, so the opportunities to find partnerships in the future will continue to grow." PEAC is also planning an Appellate Project that will enable our students to play a leadership role in shaping the development of environmental law.

**Highlights from 2010-11:**

**PEAC ensures closing of Boardman coal plant.** After years of litigation and hard work by PEAC on behalf of its nonprofit clients, PGE agreed to shut down Oregon’s only coal plant. The key aspects of the settlement include closing the Boardman coal plant in 2020, installing interim controls by 2015, and contributing $2.5 million to “supplemental environmental projects” in lieu of paying penalties. Aubrey Baldwin has been the lead lawyer for PEAC in these very successful negotiations, with strong assistance from Allison LaPlante and innumerable PEAC students. See page 8 for more details.

**PEAC forces EPA to properly regulate ballast water discharges from ships.** In 1999 PEAC, on behalf of three environmental organizations, petitioned EPA to repeal a regulatory exemption from the Clean Water Act’s National Pollutant Discharge Elimination System (NPDES) program for vessel discharges. After years of litigation (led by Professor Melissa Powers), PEAC obtained a ruling from the Ninth Circuit ordering EPA to withdraw the exemption. To replace this exemption, EPA issued a general permit that PEAC alleges to be inadequate. PEAC filed another lawsuit; led by Allison LaPlante and Dan Mensher, PEAC was able to negotiate a settlement agreement with EPA in March 2011. The agreement obligates EPA to promulgate a much more substantive permit that will go a long way in addressing invasive species concerns. Despite the settlement, however, the case goes on because the shipping industry also challenged EPA’s first general permit. As a result, PEAC intervened on EPA’s side to defend its authority to issue the permit and to include within it conditions imposed by states via the Clean Water Act. Oral argument will take place in 2012.

**PEAC blocks importation of garbage from Hawaiian Islands.** PEAC professor Tom Buchele and summer interns, Amy Van Saun and Sarah Kutl, representing Columbia Riverkeeper, Friends of the Columbia Gorge, and NEDC, convinced a federal court judge in Yakama, Washington that the U.S. Dept. of Agriculture violated NEPA when it authorized a waste hauler to import garbage from the Hawaiian Islands and dispose of it in a landfill in eastern Washington. Because the USDA refused to delay the shipments while PEAC presented its clients’ claims to the judge, Tom and his students first had to obtain an emergency Temporary Restraining Order. A month later the Court agreed to convert that TRO into
What do you do when the largest utility in Oregon violates environmental laws for years, polluting some of the state’s most pristine wild areas? If you’re Lewis & Clark Law School’s Pacific Environmental Advocacy Center (PEAC), you shut them down.

In a classic David-and-Goliath drama, PEAC recently won a precedent-setting settlement against Portland General Electric (PGE), which will shut down coal burning at the company’s Boardman plant by the end of 2020. PGE must also significantly reduce its emissions of sulfur dioxide, the major pollutant in acid rain. Additionally, the company is required to pay $2.5 million into a charitable fund for air and habitat protection as well as restoration and clean energy projects.

The settlement is significant, both legally and environmentally. “This is huge,” says Craig Johnston J.D. ’85, PEAC’s director and one of its founders. “It sets important legal precedents and is really key for the environment. The fact that PEAC can go up against so many specialized lawyers in a big case like this and produce such fantastic results is amazing.”

Just how amazing? Consider that PEAC’s entire legal team consisted of two Lewis & Clark Law School attorneys, one outside lawyer, and a cadre of fledgling law students. PEAC’s lead attorney, Aubrey Baldwin J.D. ’05, had been a lawyer for only a year when she took on the case five years ago.

“It was a little intimidating at first,” admits Baldwin, “I was a recent grad with one year of experience and had just gotten hired as a staff attorney at PEAC. The other lawyers here asked me to take on this big case that no one else wanted to tackle. It was a great case, but the odds were definitely against us.” PEAC won despite having little money. The law school’s environmental clinic, which represents nonprofit public interest clients on a pro bono basis, receives some funding from the law school, foundations, and donors, but the majority of its budget is tied to winning cases, which can take years. “This is complex litigation, and we don’t get reimbursed unless we win,” says Johnston. “We’ve done well enough that PEAC has been able to grow. However, we invest significant resources—in the Boardman case five years’ worth—and we may still not win.”

In contrast, for-profit PGE has millions of dollars and dozens of specialized lawyers at its disposal. The company had also been successfully skirting environmental laws with Boardman for years. According to the lawsuit filed by PEAC in 2008, the Clean Air Act required better pollution controls than PGE installed before Boardman opened in 1977, and it required PGE to improve those controls when the plant was upgraded in subsequent years. But the company didn’t make these changes.

The coal-fired Boardman plant produces 15 percent of the power PGE sells. According to studies by the University of Washington, it also generates 50 percent of the pollution that fouls the air in the Columbia Gorge and 14 wilderness areas.

PACIFIC ENVIRONMENTAL ADVOCACY CENTER (PEAC) continued from page 7

PEAC is a preliminary injunction. The injunction prevents the importation of garbage from Hawaiian Islands, which would likely contain many invasive plant and insect species, until the USDA properly analyzes all of the risks. PEAC partnered in this case with attorneys for the Yakama Nation whose lands surround the proposed disposal site.

PEAC is Lewis & Clark Law School’s domestic environment law clinic. For more information about PEAC, visit the website at www.lclark.edu/org/peac.
Baldwin says the Boardman agreement will have long-lasting impacts in Oregon and elsewhere. “The precedents set here will play an important role in other cases involving the move from coal to cleaner energy.”

Over the past five years, the case has also given as many as 25 Lewis & Clark Law School students hands-on experience, a key part of PEAC’s mission. “Our clinic allows students to work as if they’re part of a large law firm,” explains Johnston.

“We plug them in as team members on big cases. Many of them go on to work with the Department of Justice, the Center for Biological Diversity, the U.S. Humane Society, and other prominent employers.

PEAC’s track record of success has also allowed it to grow. In fact, it is now going national, having recently hired Kevin Cassidy J.D. ’02 to open PEAC’s East Coast office in Boston. Baldwin says Lewis & Clark law students got really invested in the Boardman case. “Our students were an integral part of the team,” she says. “They worked as junior attorneys and did everything—met with clients, wrote briefs, attended hearings.” Lauren Goldberg J.D. ’08 worked as a student for a year on the Boardman case. She was hired in 2008 as a staff attorney by Columbia Riverkeeper, one of six nonprofits PEAC represented, and acted as their client representative in the case.

When the Boardman settlement came down, Baldwin and Johnston said they heard from nearly every Lewis & Clark law student who’d worked on the case. The plaintiffs PEAC represented are planning a big party to celebrate the victory—and to honor PEAC’s work.

“One of the great things about PEAC is that our work has a multiplier effect,” says Johnston. “We level the playing field by representing clients who otherwise couldn’t afford legal counsel. And we’re training the next generation of environmental lawyers.”

Award-winning writer Bobbie Hasselbring writes frequently for Lewis & Clark’s Chronicle magazine. (Reprinted with permission.)

International Environmental Law Project (IELP)

As ever, IELP kept Professors Chris Wold ’90 and Erica Lyman ’05, as well as 11 hardworking student clerks, busy during the 2010-2011 academic year. A significant portion of IELP’s work this year related in one way or another to climate change—mostly revolving around IELP’s role as a legal support team for the Pacific Island countries. In addition, IELP continued its longstanding wildlife conservation work. For the upcoming year, IELP looks forward to continuing its work with the Pacific Island countries and expanding its capacity to counsel both governments and non-governmental organizations (NGOs) on technical issues relating to implementation of the Convention on International Trade in Endangered Species (CITES) and other biodiversity-related international treaties.

In addition to traveling to Cancun and Bangkok to provide pro bono legal assistance to Pacific Island countries during climate change negotiations, IELP has been hard at work on a number of distinct but related projects. On behalf of Palau, two IELP student clerks, Amelia Linn ’12 and Danielle Shaw ’11, outlined the science and the law of including mangrove restoration and conservation into the program for Reducing Emissions from Deforestation and Forest Degradation (or REDD, as it’s widely known). Other students, including Ken Webster (LL.M.), Amanda Caffall ’11, and Karen Barnett (LL.M.) worked to revise and rethink one of the draft protocols submitted in the negotiations in order to reflect the progress made in the negotiations in Cancun.

IELP has also taken its climate change work outside of the climate change negotiations. For example, IELP clerks Rachel Guthrie ’12 and Toby McCartt ’11 explored how Pacific Island nations can use regional fisheries management organizations to maintain control over fisheries resources even as they lose territory—and consequently lose sovereign rights to manage and exploit fisheries resources in adjacent ocean waters—to rising seas. IELP clerks Grant Wilson ’12 and Sara Foroshani ’12 described how rules of the World Trade Organization could be used to challenge...
Center for Animal Law Studies (CALS)
In Collaboration with the Animal Legal Defense Fund

New Courses and Developments
The Center for Animal Law Study’s faculty and staff worked hard throughout 2010-2011 to further grow Lewis & Clark’s premier Animal Law Program. Several courses were added to the curriculum, including first-time niche animal law classes. Some of these include: Law and Policy: Crimes Against Animals; Law & Policy: Farmed Animals; Moot Court: Legislative Drafting & Lobbying; and Moot Court: Closing Argument. In addition, and perhaps most exciting, plans have moved along smoothly and steadily to start the world’s first Animal Law LL.M. The Animal Law LL.M. represents another huge stride in the development of the field of animal law. It also represents another historic first continuing Lewis & Clark’s long tradition of pioneering animal law education.

The Animal Law LL.M. Program is expected to start in the fall of 2012.

2010 Animal Law Conference
The Center for Animal Law Studies, in collaboration with the Animal Legal Defense Fund and Lewis & Clark’s Student Animal Legal Defense Fund, hosted the 19th Annual Animal Law Conference.

Animals in Crisis: Using the Laws We Have, Getting the Laws We Need featured two keynote speakers: Dr. Sheri Speede of In Defense of Animals-Africa and Katrina Sharman of Voiceless, the Animal Protection Institute (Australia). In addition, nearly forty speakers from across the nation participated in over twenty unique sessions focused on cutting-edge animal law issues. Attendees included animal law students, practitioners, activists and academics from around the world. For more information, or to keep an eye on developments for the upcoming 20th Anniversary and celebration, please visit ALawConference.org.

Animal Law Clinic
Responding to a petition filed by the Animal Law Clinic last year, the USDA has agreed to implement one of the procedures the Clinic

massive subsidies for fossil fuel production that are inhibiting the transformation to renewable energy sources and contributing to climate change.

IELP also had a full slate of wildlife related projects. McCartt and Emily Stein (LL.M.) prepared a report that comprehensively assessed laws, regulations, and ordinances in California that could contribute to the conservation of monarch butterflies, which winter roost along the coast. Concerning CITES, Guthrie and Jenny Keatinge ’11 have helped brief delegates and NGOs on a number of technical issues, including the newly adopted definition of “hunting trophy” and the effectiveness of the Periodic Review of the Appendices process. Professor Wold traveled to Bergen to negotiate rules for trade in endangered species caught on the high seas, while Professor Lyman traveled to Geneva for negotiations on a wide range of CITES technical issues. Professor Lyman represented IELP at the CITES Animals Committee and Standing Committee meetings in Geneva in July and August 2011, respectively. Jenny Keatinge accompanied Professor Lyman and helped support IELP’s work to defeat a proposal for “time-bound” species listings.

Keatinge and Caffall drafted a report and legislation requiring individuals who own tigers to report to the U.S. Fish and Wildlife Service. The draft legislation attempts to cover a serious gap in U.S. regulations—no federal agency tracks or monitors the private ownership of tigers in the United States. The project was precipitated in part out of concern that these tigers may end up in international or domestic trade for their highly valuable parts and derivatives. Although the legislation has yet to materialize, the Fish and Wildlife Service has sought to revoke its rule that so-called generic tigers are exempt from the Endangered Species Act.

During the 2011-2012 academic year, IELP has continued working with the Pacific Island countries in the climate change negotiations, providing legal support for delegates in Durban, South Africa. IELP has also continued its long-standing CITES work, focusing on advising Parties as to how to incorporate climate change considerations into CITES decision-making.
suggested was necessary and is further considering the additional argument of the Clinic that “downer” protection be extended beyond cattle to include sheep, goats, pigs, and other livestock animals. Students have also been researching and preparing for a presentation relating to animal issues in wills and trusts. Many people do not know that most states now have so called “pet trust statutes” which provide guidelines for individuals (and their attorneys) who wish to address the issue of care of animals after an owner’s death. The students will be preparing a brochure addressing these matters and a presentation which will be available to the Lewis & Clark community as well as to the general public.

The Clinic students have worked in a number of other areas as well. Students provided research and advice related to a pigeon shooting case in Pennsylvania. They drafted a horse licensing ordinance based on their research that county officials needed more assistance in addressing the problem of abused, neglected or abandoned horses. They are also filing comments to proposed regulations regarding guidelines for school lunches which seek: to make sure healthier options, including meat and dairy-free ones, are available to school children; to clarify that the role of government is not to endorse one particular type of food choice, especially in light of medical and scientific evidence that it is risky to children; and to encourage schools to educate children on considering the impact of eating choices on their own health, as well as the health and well-being of animals and the environment.

Summer Intensive Animal Law Program

Each summer the Center offers a variety of two-week intensive animal law courses for law students, lawyers, and other professionals. The 2011 Summer Intensive Animal Law Program offered four courses, including the first-ever Farmed Animals: Law and Policy course, taught by Joyce Tischler. Other courses included Transactional Approach to Animal Law, taught by Rebecca Huss; Animal Legal Philosophy & Development, taught by Ramona Ilea; and Animal Rights Law & Jurisprudence taught by Steven Wise. All four instructors received excellent student evaluations, and ensured that the program was an overall success. The line-up for summer 2012 is already set and includes:

- Session I: International Wildlife Law, David Favre, June 12th–June 25th;
- Session II: Animal Law Litigation, Carter Dillard & Matthew Liebman, June 26th–July 9th;
- Session III: Animal Rights Jurisprudence, Steven Wise, July 10th–July 23rd; and
- Session IV: Law of Humane Science, Paul Locke, July 24th–August 6th.

For more information about the Center for Animal Law Studies, visit our website at CenterForAnimalLawStudies.org
Major Events in 2010-11

EUROPEAN LAW: VALUES AND CONSTITUTIONAL PRINCIPLES OF THE EUROPEAN UNION
Prof. Dr. Christian Calliess, Freie Universität Berlin, September 14, 2010
In this lecture Dr. Calliess spoke on the basic values and principles behind the EU Constitution. Dr. Calliess directs the Institute for Public Law at Freie Universität in Berlin, Germany, where he teaches public and European law, and is a highly-respected legal scholar. His appearance was part of an exchange program between Lewis & Clark and the Freie Universität.
http://lawlib.lclark.edu/podcast/?p=3791

EUROPEAN ENVIRONMENTAL LAW: THE PRINCIPLE OF SUSTAINABILITY, CLIMATE PROTECTION AND ENERGY POLICY IN THE EUROPEAN UNION
Prof. Dr. Christian Calliess, Freie Universität Berlin, September 16, 2010
Dr. Christian Calliess spoke on the basic principles of European Environmental Law.
http://lawlib.lclark.edu/podcast/?p=3799

TERRORISM AND LAW OF THE SEA
Professor Bernard Oxman, October 12, 2010
Bernard Oxman, Richard A. Hauser Professor at the University of Miami and a global expert on the Law of the Sea, spoke on terrorism and Law of the Sea. Professor Oxman was recently appointed Judge ad hoc of the International Tribunal for the Law of the Sea in the dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal.
http://lawlib.lclark.edu/podcast/?p=4387

OREGON TRIAL LAWYERS ASSOCIATION: BIXBY V. KBR
Attorney David Sugerman, October 12, 2010
Mr. Sugerman spoke about his representation of Oregon National Guard veterans suing private contractor Kellogg and Root (KBR) and its various offshoots for their exposure to sodium dichromate at the Qarmat Ali facility in Iraq.
http://lawlib.lclark.edu/podcast/?p=4385

23RD ANNUAL NATURAL RESOURCES LAW INSTITUTE DISTINGUISHED VISITOR LECTURE
WHAT CLIMATE CHANGE CAN DO ABOUT TORT LAW
Yale Law Professor Douglas A. Kysar, October 14, 2010
Professor Kysar presented a fascinating lecture on the cutting edge of tort law.
Download or view the lecture at http://lawlib.lclark.edu/podcast/?p=3923

2010 Distinguished Environmental Law Graduate Awards Presentations
October 14, 2010
The Environmental and Natural Resources Law faculty presented Distinguished Environmental Law Graduate Awards to alumni Phil Schiliro ’81, Dennis Treacy ’83, and Kate Brown ’85, who have provided strong leadership in government and industrial environmental law policy, and presented the Williamson Award to Ben Luckett ’10.
Download or view the awards presentations at http://lawlib.lclark.edu/podcast/?p=4255#more-4255

2010 ANIMAL LAW CONFERENCE
ANIMALS IN CRISIS: USING THE LAWS WE HAVE, GETTING THE LAWS WE NEED
Center for Animal Law Studies at Lewis & Clark in collaboration with the Animal Legal Defense Fund and the Lewis & Clark Law School Student Animal Legal Defense Fund, October 15-17, 2010
Once again, a sold-out crowd from around the world convened at Lewis & Clark Law School in October for the 17th Annual Animal Law Conference at Lewis & Clark to explore animal law and its link to other areas of the law and professional disciplines, philosophies, and social movements. Download or view the conference panels at http://lawlib.lclark.edu/podcast/?p=4463

SAVING THE WORLD THROUGH PUBLIC INTEREST LITIGATION
M.C. Mehta, October 18, 2010
One of the world’s most renowned and successful activists, Indian environmental lawyer M.C. Mehta recounted stories from his many precedent-setting Supreme Court cases that founded the basis for environmental law in India.
http://lawlib.lclark.edu/podcast/?p=3910

26 YEARS AFTER BHPAL: WHAT REMAINS TO BE DONE
Dr. Sairam Bhat, National Law School of India at Bangalore, October 19, 2010
Professor Bhat delivered a penetrating lecture on the difficulty of achieving justice and the continuing legal battles in the Union Carbide Bhopal case. The 1984 release of toxic methyl isocyanate gas was one of the world’s worst industrial disasters, killing more than 2,000 people immediately and injuring hundreds of thousands.

CLIMATE CHANGE IN CANCUN—REPORT FROM THE FRONT LINES
IELP professors and students, February 22, 2011
Representatives of the IELP delegation to the climate change talks in Cancun discussed their experiences.
http://lawlib.lclark.edu/podcast/?p=5087
Our 2010-11 Distinguished Visitor was Professor Douglas A. Kysar, the Joseph M. Field ’55 Professor of Law at Yale Law School. Professor Kysar graduated magna cum laude from Harvard Law School in 1998. His teaching and research focuses on torts, environmental law, and risk regulation. Professor Kysar has published numerous articles on a wide array of environmental law and tort law topics. His recent book, Regulating from Nowhere: Environmental Law and the Search for Objectivity, seeks to reinvigorate environmental law and policy by offering novel theoretical insights on cost-benefit analysis, the precautionary principle, and sustainable developments. Professor Kysar’s guest lecture at the law school was entitled What Climate Change Can Do About Tort Law, and is available as a podcast at http://lawlib.lclark.edu/podcast/?p=3923

Prior to Professor Kysar’s lecture, the law school honored three environmental law alumni as Distinguished Environmental Law Graduates. This award, started in 1995 in honor of the environmental law program’s 25th anniversary, recognizes two to three alumni each year who have made a significant contribution to the environmental or natural resources law or policy fields. The environmental and natural resources law faculty select the recipients each year. The recipients for 2010 were: Phil Schiliro ’81, who is the current Assistant to the President for Legislative Affairs in Washington, D.C.; Dennis Treacy ’83, who is the Executive Vice President and Chief Sustainability Officer at Smithfield Foods in Virginia; and Kate Brown ’85, Oregon Secretary of State in Salem, Oregon.

The Williamson Award for 2010 was awarded to Ben Luckett ’10 who is working with the Appalachian Center for the Economy and Environment in Lewisburg, West Virginia.

The Williamson Public Interest Environmental Law Award is presented by the Lewis & Clark Law School Environmental Alumni Association to recognize a graduate who has demonstrated commitment, vision, leadership, and creativity in the field of public interest environmental law.
Environmental Law

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SYMPOSIUM: THE CLEAN AIR ACT AT A CROSSROADS: TURNING 40, CONFRONTING CLIMATE CHANGE

INTRODUCTION:
Robert L. Gillette II

SYMPOSIUM ARTICLES:
Staving Off the Climate Crisis: The Sectoral Approach Under the Clean Air Act
Teresa B. Clemmer

Climate Change Adaptation: A Collective Action Perspective on Federalism Considerations
Robert L. Glicksman

The Enforcement Challenge of Cap-and-Trade Regulation
Lesley K. McAllister

Is the Clean Air Act at a Crossroads?
Craig N. Oren

Federal Control of Greenhouse Gas Emissions
Arnold W. Reitze, Jr.

ARTICLES:
Relational Integrity Regulation: Nudging Consumers Toward Products Bearing Valid Environmental Marketing Claims
Jeffrey J. Minneti

Ecosystem Services and the Clean Water Act: Strategies for Fitting New Science into Old Law
J.B. Ruhl

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SYMPOSIUM: ANIMAL MIGRATION CONSERVATION

SYMPOSIUM ESSAY
Migration Conservation: A View From Above
Robert L. Fischman

SYMPOSIUM ARTICLES:
SCIENTIFIC RESEARCH AGENDA
Animal Migration as a Moving Target for Conservation: Intra-Species Variation and Responses to Environmental Change, as Illustrated in a Sometimes Migratory Songbird
Jonathan W. Atwell, Dawn M. O’Neal & Ellen D. Ketterson

Migration Connectivity and the Conservation of Migratory Animals
Peter P. Marra, David Hunter & Anne M. Perrault

LAW AND POLICY REFORM
Statutory Reform to Protect Migrations as Phenomena of Abundance
Jeffrey B. Hyman, Andrea Need & W. William Weeks

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