

## UNIVERSITY OF OREGON FACULTY UPDATES

### Articles, Books and Reports

Adell Amos (Oregon) completed “Freshwater Conservation: A Review of Oregon Water Law & Policy,” for The Nature Conservancy (August 2008) (available through the Nature Conservancy Office in Portland, Oregon). She is also publishing “Advancing Freshwater Conservation in the Context of Energy and Climate Policy: Assessing Progress and Identifying Challenges in the Western United States,” (forthcoming Fall 2008 *Denver Water Law Review*).

John Bonine’s (Oregon) (with Svitlana Kravchenko) book, *HUMAN RIGHTS AND THE ENVIRONMENT*, was published by Carolina Academic Press (2008). He also published a *Memorandum on Best Practices in Access to Justice* (World Resource Council, Dec. 2008).

Garbiel Eckstein (Texas Tech) is publishing: Chapter 1: Scientific, Legal, and Ethical Foundations for Texas Water Law,” *Texas Law of Water Resources* \_\_\_ (with Amy Hardberger [Environmental Defense]) (M. Sahs, ed. forthcoming 2009); “State Practice in the Management and Allocation of Transboundary Ground Water Resources in North America,” *18 Yearbook of Int’l Env’tl L.* 2007 \_\_\_ (forthcoming 2009) (with Amy Hardberger [Environmental Defense]); “Organophosphates, Friend and Foe: The Promise of Medical Monitoring for Farm Workers and Their Families,” *27 UCLA Journal of Env’tl L. and Pol’y* \_\_\_ (forthcoming 2009) (with Adriane Busby [U.S. Environmental Protection Agency]); and “Examples of the Political Character of International Water Law,” *Proceedings of the 102nd Annual Meeting of the American Society of International Law*, April 9-12, 2008, Washington, DC (forthcoming 2009).

Richard Hildreth (Oregon) published an article printed in *Ocean & Coastal Management*, "[Place-Based Ocean Management: Emerging U.S. Law and Practice](http://www.sciencedirect.com)," available at <http://www.sciencedirect.com>. He is also working on a casebook, *CLIMATE CHANGE LAW: MITIGATION AND ADAPTATION* with David Hodas (Widener), Nicholas Robinson (Pace), and James Gustave Speth (Yale School of Forestry and Environmental Studies) (West, forthcoming 2009).

Svitlana Kravchenko’s (Oregon) (with John Bonine) book, *HUMAN RIGHTS AND THE ENVIRONMENT*, was published by Carolina Academic Press (2008). She also wrote a *Memorandum on Access to Environmental Information for The Access Initiative*, World Resources Initiative (October, 2008).

Roberta Mann (Oregon) and Mona Hymel (Arizona) are publishing “Moonshine to Motorfuel: Tax Incentives for Fuel Ethanol,” *19 Duke Env’tl. L. & Pol’y F.* (forthcoming 2009). Mann is also publishing “The Case for the Carbon Tax: How to Overcome Politics and Find Our Green Destiny,” in the *Environmental Law Reporter*

(forthcoming Feb. 2009).

Judd Sneirson (Oregon) is publishing “Green Is Good: Sustainability, Profitability, and a New Paradigm for Corporate Governance,” 94 Iowa Law Review (forthcoming Spring 2009).

Mary Wood (Oregon) published “Law and Climate Change: Government’s Atmospheric Trust Responsibility,” 10 Environmental Law Reporter (September 2008), ["Tribes as Trustees Again \(Part I\): The Emerging Tribal Role in the Conservation Trust Movement,"](#) Harvard Environmental Law Journal (with Zach Welker) (Spring 2008); ["Tribes as Trustees Again \(Part II\): Evaluating Four Models of Tribal Participation in the Conservation Trust Movement,"](#) Stanford Environmental Law Journal (with Matthew O'Brien) (Spring 2008); She also submitted, “Advancing the Sovereign Trust of Government to Safeguard the Environment for Present and Future Generations,” which is part of the Climate Legacy Initiative Project, [http://www.vermontlaw.edu/cli/index.cfm?doc\\_id=1403](http://www.vermontlaw.edu/cli/index.cfm?doc_id=1403) (white paper) (May 2008). She has two forthcoming articles: "Advancing the Sovereign Trust of Government to Safeguard the Environment for Present and Future Generations (Part I): Ecological Realism and the Need for a Paradigm Shift," 39 Environmental Law (forthcoming March 2009); "Advancing the Sovereign Trust of Government to Safeguard the Environment for Present and Future Generations (Part II): Instilling a Fiduciary Obligation in Governance," 39 Environmental Law (forthcoming March 2009); and two forthcoming book chapters: ["Atmospheric Trust Litigation,"](#) in Climate Change Reader (W.H. Rodgers, Jr. and M. Robinson-Dorn, eds.) Carolina Academic Press (forthcoming 2009); and “American Indian Law and Forestry,” Encyclopedia of U.S. Indian Policy and Law, Paul Finkleman, ed., CQ Press (forthcoming 2009).

### **Speeches and Conferences**

Adell Amos (Oregon) gave several presentations including: “Western Water Law —The Federal Perspective,” Northwest Natural Resources Forum for Federal Executives, sponsored by the Environmental Protection Agency, Army Corps of Engineers and Natural Resource Conservation Service, Astoria, Oregon (November 12-13, 2008); “Climate Change, Water, and Sustainability for the National Wildlife Refuge System,” National Assembly of U.S. Fish and Wildlife Service Hydrologists, Socorro, New Mexico (October 20-23, 2008); “Energy, Water, and Climate Policy: Comparing Resources in Western and Eastern Water Law,” Faculty Workshop, University of Baltimore School of Law, Baltimore, Maryland (October 6, 2008); “Water Policy In Light of Climate Change,” University of Oregon Geography Department Seminar Series, Eugene, Oregon (October 2, 2008); “Energy, Climate, and Water: A Policy Agenda,” International Municipal Lawyers Association Meeting, Las Vegas, Nevada (September 16, 2008) (invited, paper published in conference proceedings); “Environmental Governance in a Federal System: The U.S. Experience and Implications for China,” Workshop sponsored by University of Oregon Department of Political Science, Eugene, Oregon (June 2–3, 2008). She also was an Invited Dialogue Participant for the Session with Oregon Department of Fish and Wildlife, Institute for Natural Resources: Science-

Policy Seminar Series, Oregon State University, Corvallis, Oregon (May 21, 2008).

John Bonine (Oregon) was the Closing Speaker at the 6th Colloquium of IUCN Academy of Environmental Law "Poverty Alleviation and Environmental Protection" (Mexico City, November, 2008) and was a Speaker at the Environmental Education Workshop: a Clinical Approach (Mexico City, November, 2008). During trip to Africa, he gave these lectures: "Human Rights Aspects of Environmental Law," School of Law, University of Nairobi, Nairobi, Kenya, July 31, 2008; "Human Rights Approaches to Protecting Environmental Rights," School of Law, University of Cape Town, Cape Town, South Africa, July 21, 2008; "Equal Justice, Transparency, and Participation--An Environmental Law Fairy Tale?" School of Law, University of the Western Cape, Cape Town, South Africa, July 21, 2008; "Access to Justice," Seminar on Recent Developments in International and National Environmental Law, Environmental Law Association, Johannesburg, South Africa, July 18, 2008; "Human Rights and the Environment," Public Interest Litigation Workshop, Mandela Institute, School of Law, University of the Witwatersrand, Johannesburg, South Africa, July 17, 2008; "Do Human Rights Include Environmental Rights," School of Law, North West University, Potchefstroom, South Africa, July 16, 2008. Closing Speaker at the 6th Colloquium of IUCN Academy of Environmental Law "Poverty Alleviation and Environmental Protection" (Mexico City, November, 2008).

Gabriel Eckstein (Texas Tech) presented "Nonrenewable Aquifers and International Law: Considerations for Managing a Critical Depleting Resource," National Ground Water Association international Conference on Nonrenewable Ground Water Resources, Portland, OR, October 13-14, 2008. He also spoke on "Climate Change Implications for Negotiating International Transboundary Water Agreements," University of Oregon School of Law's Environmental and Natural Resources Law Program Series of Fireside Conversations on Global Warming: Seeking Sustainable Solutions, Eugene, OR, September 11, 2008. In April, Eckstein presented "The Politics of Transboundary Waters," 102nd Annual Meeting of the American Society of International Law, Washington, DC, April 9-12, 2008. He also co-chaired the symposium "Common Grounds, Common Waters: Toward a Water Ethic" with water ethicist Dr. Irene Klaver. The symposium was organized by the Texas Tech University Center for Water Law and Policy (which he directs) and the Santa Clara University International Law Journal, and held in Santa Clara, CA, March 14, 2008. The proceedings of the symposium appear in the Santa Clara University International Law Journal, volume 6, 2008.

Susan Gary (Oregon) has given a number of presentations to academic groups, bar associations, university and college endowment managers, and others explaining the Uniform Prudent Management of Institutional Funds Act. UPMIFA applies to all charities organized as nonprofit corporations, including environmental organizations, and twenty-six jurisdictions have already enacted statutes based on UPMIFA, with more enactments likely this year.

Richard Hildreth (Oregon) chaired a meeting of the Minerals Management

Service's ("MMS") Outer Continental Shelf ("OCS") Scientific Committee in Washington D.C. in November. Professor Hildreth is concluding his term as vice chair of the OCS Scientific Committee, a position he has served in since 2006. On October 11, he delivered a keynote address, entitled "[Ocean Zoning: Implications for Wave Energy Development](#)," at the Hatfield Marine Science Center in Newport, Oregon for a scientific workshop on the [Ecological Effects of Wave Energy Development in the Pacific Northwest](#).

On October 10, 2008, the Journal of Environmental Law and Litigation hosted "Living on a Finite Earth: Energy Law and Policy for a New Era" in Eugene, Oregon. Oregon Secretary of State Bill Bradbury and Luke Cole, Director of the Center on Race, Poverty and the Environment, presented two keynote addresses. David Hodas (Widener); and Roberta Mann (Oregon) participated as panelists on "Moveable Energy: Transportation's Progress and Legal Implications" and Shi-Ling Hsu (British Columbia) presented on "Competing Energy Policies: Pros and Cons."

Svitlana Kravchenko (Oregon) spoke on "The Myth of Public Participation in the World of Poverty" at the 6th Colloquium of IUCN Academy of Environmental Law "Poverty Alleviation and Environmental Protection" (Mexico City, November, 2008). In August, Kravchenko participated in the Annual Meeting of the Environmental Law Alliance Worldwide (ELAW) (Mombasa, Kenya, August, 2008) and the Kenya National Environmental Tribunal (Nairobi, August, 2008). In July, she spoke at the Annual conference of the Environmental Law Association of South Africa (Johannesburg, July, 2008) and gave a series of Lectures on Human Rights and the Environment at the following universities of South Africa: North-West University in Potchefstroom, University of Cape Town, University of the Western Cape, University of Witwatersrand, University of Pretoria, North West University, and at the University of Nairobi, Kenya (July, 2008). Kravchenko also participated in the Third Meeting of the Parties of the Aarhus Public Participation Convention and the meeting of the Compliance Committee in Riga, Latvia (June, 2008) and gave a speech for French appellate judges at l'Ecole Nationale de la Magistrature (the Judicial Institute), at the invitation of the Government of France (May, 2008).

Roberta Mann (Oregon) presented "The Case for the Carbon Tax," at the 9th Annual Global Conference on Environmental Taxation in Singapore, in November 2008. On October 10, 2008, she participated in two panels, "Competing Energy Policies: Pros and Cons" and "Moveable Energy: Transportation's Progress and Legal Implications" at the Journal of Environmental Law and Litigation's symposium on "Living on a Finite Earth: Energy Law and Policy for a New Era."

Nancy Shurtz (Oregon) presented a paper on "The Role of Environmental Tax and Market Mechanisms in the Green Building Movement: The Case of Portland, Oregon," as part of a panel discussion on Environmental Taxation and the Construction Industry at the 9th Annual Global Conference on Environmental Taxation in Singapore, in November 2008.

Judd Sneirson (Oregon) presented “Green Is Good: Sustainability, Profitability, and a New Paradigm for Corporate Governance,” to the Pace Law School faculty on October 8, 2008, as part of its faculty colloquia series.

Mary Wood (Oregon) gave several addresses on climate change and the public trust doctrine: “Act Locally, Think Globally: How Nature’s Trust Can Seed Relocalization and Pollinate Planetary Patriotism,” Address, Post Carbon Eugene, Eugene, OR (December 10, 2008); “[Government's Atmospheric Trust Obligation,](#)” Address, Environmental Planners and Policymakers, University of Oregon, Eugene, OR (November 21, 2008); Public Trust Workshop, Northwest Environmental Defense Center, Westwind Camp, OR (October 11, 2008); Public Keynote Address, Sponsored by the Green LEEDers, Boise, ID (August 21, 2008); “The Planet on Your Docket,” Keynote Address, Montana Trial Lawyers Association, Flathead Lake, MT (August 7, 2008); “The Atmosphere and the Public Trust,” Address to US Fish and Wildlife Service Supervisors Meeting, video-conference to Monterey, CA (June 24, 2008); “Taking Back Tomorrow: Why Children Should Take a Stand Against Global Warming,” Address, Eugene Middle Schools, filmed by Art for the Sky, <http://www.inconcertwithnature.com/>, Eugene, OR (June 6, 2008); and “United States v. Oregon: A Forty Year Retrospective,” Portland, OR (May 28-29, 2008). Wood also made a presentation on “Federal Indian Law and Policy,” Video Seminar for US Department of Agriculture, Washington, DC (August 26, 2008). In July and August, she did several radio interviews, and her work was featured in, “Green All the Lawyers,” by Carla Wise for the UTNE Reader (<http://www.utne.com/2008-09-01/Environment/Green-All-the-Lawyers.aspx>).

### **Clinical Programs**

Greg Costello (Oregon), Adjunct Professor and Executive Director of the Western Environmental Law Center (WELC), reports that clinic students assisted attorney Charlie Tebbutt in his work on several fronts to clean-up industrial dairies across the West: a Clean Air Act case in Washington, a petition to the Nevada State Environmental Commission to require groundwater monitoring at all large dairies, and litigation to protect the Minidoka National Monument (one of two Japanese- American internment camps during WWII) from a plan to site a massive industrial dairy a mile from the monument. Other clinic students helped attorney Pete Frost prepare a unique challenge to a federal agency decision allowing a local police department to conduct motorized search and rescue *training operations* in a designated wilderness, including lands that provide habitat for the endangered desert tortoise, and investigate the prospect of litigation against a federal agency for granting unlimited motorized access in the summer across wilderness lands to reach a private in-holding. Clinic students helped attorney Dave Bahr document the federal government’s violations of the Clean Water Act due to unpermitted pollutant discharges from seven abandoned mine sites in Monte Cristo Mining Area in the Henry Jackson Wilderness of the Mt. Baker National Forest near Seattle, Washington. Three students conducted legal and regulatory research and

investigated a number of factual issues for attorney Dan Galpern relating to a pending petition before the federal government to restrict greenhouse gas emissions from non-road vehicles and engine. Lastly, a student researched the history of field burning legislation in the State of Oregon, and helped draft a legislative bill banning the practice to assist WELC's efforts to end field burning in Oregon.

Svitlana Kravchenko (Oregon) addressed "The Role of Clinical Education in Environmental Law Enforcement" at the Environmental Education Workshop: a Clinical Approach (Mexico City, November, 2008).

### **Unique Courses**

Heather Brinton and Jason Eisdorfer (Oregon) co-taught, for the first time, a course on Climate Law & Policy. The course focused on state and regional approaches to addressing climate change and served as a prerequisite to a limited number of students who will go on to serve as legislative interns on climate law and policy in the 2009 Oregon Legislature.

Roberta Mann (Oregon) and Josh Skov (Good Company), will teach a class on "A Carbon Economy--Facts and Fiction," as part of the Business School's Seminar in Sustainable Business on February 27, 2009.

Mary Wood (Oregon) taught a research seminar in Public Trust Law for the second year in a row. Students analyzed the frontiers of public trust law and explored how the doctrine might expand to meet present ecological challenges such as climate crisis.

### **Other Items of Interest**

Adell Amos (Oregon) is serving on the Editorial Board, American Bar Association, Section on Energy & Environment, *Trends Magazine*.

John Bonine (Oregon) served as a Consultant on Access to Justice, World Resources Institute, Washington, D.C., 2008

Garbiel Eckstein (Texas Tech) just completed a semester as a visitor at the University of Oregon School of Law where he taught Civil Procedure and a seminar in Law and Science. In August, he participated as a neutral legal adviser in track II (non-governmental) negotiations between Israelis and Palestinians on transboundary water issues that was organized under the auspices of the Geneva Initiative.

Visiting Professor Roberta Mann (Oregon) has extended her stay at the University of Oregon School of Law by accepting the University's offer of indefinite tenure at the rank of full professor. Mann is a tax, property, and environmental law expert joining

Oregon Law from Widener University School of Law, where she taught federal income, tax, and property since 1998. She earned her M.B.A. and J.D. cum laude from Arizona State University, where she also served as assistant editor of the *Arizona State University Law Journal*. In 1995, she received her LL.M. in taxation from Georgetown University Law Center. Prior to teaching, Mann practiced in the Office of Chief Counsel of the Internal Revenue Service, concentrating primarily on the areas of partnerships, corporate, estate and gift, and natural resources. She also served on the Staff of the Joint Committee on Taxation in U.S. Congress.