

## RESUME

### Adam Babich

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### SUMMARY

Adam Babich teaches environmental and administrative law at Tulane University and directs the Tulane Environmental Law Clinic. Before joining Tulane, Adam practiced with private law firms, as a government enforcement lawyer, and as adjunct attorney for the Environmental Defense Fund. He was a trial lawyer on the nation's first remedy trial under the Superfund law and has litigated high profile cases that resulted in, *inter alia*, shut-down of a plutonium-contaminated incinerator at the Rocky Flats nuclear weapons plant near Denver, an injunction to abate Clean Air Act violations at an ExxonMobil-operated oil refinery near New Orleans, cleanup of mercury contamination in Louisiana's Monroe Gas Field, and relocation of residents exposed to unsanitary conditions near a Baton Rouge sewage treatment plant. Adam has taught at Georgetown University Law Center, American University, and the University of Denver. He has also served as a judicial law clerk for the Colorado Supreme Court and as the Environmental Law Reporter's editor-in-chief. More than 310 publications and five court opinions cite his articles. Under his leadership, the Tulane Environmental Law Clinic has raised more than \$3 million in foundation grants, contributions, and attorney-fee awards. In 2010, the Clinic received the Federal Bar Association's (New Orleans Chapter) Camille F. Gravel, Jr. Pro Bono Award.

### EDUCATION

Yale Law School, New Haven, Connecticut, J.D., 1983

Dickinson College, Carlisle, Pennsylvania, B.A., 1977

### PUBLICATIONS

- Subject Matter Jurisdiction and the Gulf of Mexico Dead Zone*, ADMIN. & REG. L. NEWS (ABA), Sum. 2015, at 28
- Fun with Administrative Law: A Game for Lawyers and Judges*, 4 MICH. J. ENVTL. & ADMIN. L. 341 (2015)
- Twenty Questions (and Answers) About Environmental Law Clinics*, 22 No. 1 Prof. Law. 45 (ABA, 2013)
- The Supremacy Clause, Cooperative Federalism, and the Full Federal Regulatory Purpose*, 64 ADMIN. L. REV. 1 (2012)
- Why Environmental Law Clinics?* (with Jane F. Barrett), 43 ENVTL. L. REP. (ENVTL. L. INST.) 10039 (2013)
- Can Preemption Protect Public Participation?*, 61 CASE WESTERN RES. L. REV. 1109 (2011)
- Protecting Public Participation* (with Brandon Sousa), ENVTL. F., May/June, 2011, at 22
- Controversy, Conflicts, and Law School Clinics*, 17 CLINICAL L. REV. 469 (2011)
- Illegal Permit? Who Are You Going to Call? Your Local Environmental Law Clinic!* 39 ENVTL. L. REP. (ENVTL. L. INST.) 11051 (Nov. 2009)
- Ambitious Goals, Political Realities*, ENVTL. F., Jan./Feb. 2008, at 32
- The Apolitical Law School Clinic*, 11 CLINICAL L. REV. 447 (2005)
- A Reply to Wizner and Solomon's "Law as Politics,"* 11 CLINICAL L. REV. 481 (2005)
- The Apolitical Clinic*, TULANE LAW., Summ. 2004, at 10
- The Violator-Pays Rule*, ENVTL. F., May/June 2004, at 30

- The Wages of Sin: The Violator-Pays Rule for Environmental Citizen Suits*, 10 WIDENER L. REV. 219 (2003)
- Too Much Science in Environmental Law*, 28 COLUM. J. ENVTL. L. 119 (2003)
- Environmental Justice in Louisiana*, 51 LA. B.J. 90 (Aug. 2003)
- Too Much Science*, ENVTL. F., May/June 2003, at 36
- The Sting: How Louisiana's Emission Credit Trading System Dirties the Air*, SECOND GENERATION ISSUES COMM. NEWSL., May 2003, at 11
- How the Tulane Environmental Law Clinic Survived the Shintech Controversy and Rule XX Revisions: Some Questions and Answers*, 32 ENVTL. L. REP. (ENVTL. L. INST.) 11476 (Dec. 2002)
- Fee Shifting After Buckhannon*, 32 ENVTL. L. REP. (ENVTL. L. INST.) 10137 (Jan. 2002)
- Dodging a Bullet: Lessons from the Failed Hazardous Substance Recycling Rider to the Omnibus Appropriations Bill*, 29 ENVTL. L. REP. (ENVTL. L. INST.) 10131 (Mar. 1999)
- The Resource Conservation and Recovery Act* (ch. 3.6), in MINING ENVIRONMENTAL HANDBOOK (Jerrold J. Marcus ed., Imperial College Press 1997)
- Regulatory Reform and the Chevron Doctrine*, 26 ENVTL. L. REP. (ENVTL. L. INST.) 10587 (Nov. 1996)
- Our Federalism, Our Hazardous Waste, and Our Good Fortune*, 54 MD. L. REV. 1516 (1995) [excerpted in ROBERT L. FISCHMAN, ET AL., AN ENVIRONMENTAL LAW ANTHOLOGY (Anderson Pub. Co. 1996)]
- DOE's Promising First Step*, NAT'L ENVTL. ENFORCEMENT J., July 1995, at 3
- Citizen Suits: The Teeth in Public Participation*, 25 ENVTL. L. REP. (ENVTL. L. INST.) 10141 (Mar. 1995)
- What Next?* ENVTL. F., Nov./Dec. 1994, at 48
- Bringing Order to Records of Decision* (Book Review), 11 ENVTL. F., March/April 1994, at 11
- RCRA Imminent Hazard Authority: A Powerful Tool for Businesses, Governments, and Citizen Enforcers*, 24 ENVTL. L. REP. (ENVTL. L. INST.) 10122 (March 1994)
- Risk of Compromising a Vital Protection*, ROCKY MT. NEWS, Feb. 28, 1994 (Op-ed)
- Is RCRA Enforceable by Citizen Suit in States with Authorized Hazardous Waste Programs?*, 23 ENVTL. L. REP. (ENVTL. L. INST.) 10536 (Sept. 1993)
- Colorado* (ch. 47), in ENVIRONMENTAL LAW PRACTICE GUIDE (Matthew Bender 1992) (Named Best Law Book of 1992 by the Association of American Publishers)
- Understanding the New Era in Environmental Law*, 41 S.C.L. REV. 733 (1990), also pub. in ENVIRONMENTAL LAW (ch. 10) (Michael C. Blumm ed., N.Y. Univ. Press 1992)
- Hazardous Waste at Federal Facilities* (ch. 1), in HAZARDOUS WASTE SITE INVESTIGATIONS: TOWARD BETTER DECISIONS (Richard B. Gammage & Barry A. Berven eds., 1992)
- A New Era in Environmental Law*, 20 COLO. LAW. 435 (1991)
- Circumventing Environmental Laws: Does the Sovereign Have a License to Pollute?*, NAT. RESOURCES & ENV'T, Summ. 1991, at 28
- Coming to Grips with Toxic Waste: The Need for Cooperative Federalism in the Superfund Program*, 19 ENVTL. L. REP. (ENVTL. L. INST.) 10009 (Jan. 1989)
- EPA no Superman in its Handling of Superfund*, ROCKY MT. NEWS, Jan. 6, 1989, at 70 (Op-ed), also published as *State and Local Governments, Not EPA, Must Handle Environmental Protection*, ATLANTA J. & CONST., Oct. 24, 1988, at 13
- Taking Charge: Local Governments and Hazardous Substances* (with Kent E. Hanson), in 1989 ZONING AND PLANNING LAW HANDBOOK (M. Dennison, ed.) 553 (1989); also published in COLO. MUNICIPALITIES, Sept./Oct. 1988, at 23; N.J. MUNICIPALITIES, Oct. 1988, at 24; ILL. MUN. REV., Oct. 1988, at 5; LA. MUN. REV., Nov./Dec. 1988, at 6; ALA. MUN. J., Sept. 1988, at 4; and 51 J. OF ENVTL HEALTH 139 (1989)
- Restructuring Environmental Law*, 19 ENVTL. L. REP. (ENVTL. L. INST.) 10057 (Feb. 1989)
- Enforcing the Community's Right to Know About Chemical Hazards*, NAT'L ENVTL. ENFORCEMENT J., July 1989, at 3, also pub. in MUN. ATT'Y, Jan./Feb. 1989, at 4
- State Enforcement of CERCLA: The Idarado Decision in Perspective* (with K. Hanson), 20 Env't Rep. (BNA) 735 (Aug. 1989)
- Police our Federal Polluters*, DENVER POST, Jan. 14, 1989, at 7B (Op-ed), also published as *Revoke Order to End Mockery of Superfund*, ATLANTA J. & CONST., Feb. 3, 1989, at 19
- Declaratory and Injunctive Relief for States Under CERCLA* (with K. Hanson), 18 ENVTL. L. REP. (ENVTL. L. INST.) 10216 (June 1988)
- Local Governments and the Environment* (pt. 1), 18 COLO. LAW. 1997 (1988) (with Kent E. Hanson), also published in MUN. ATT'Y, July/Aug. 1988, at 1; MONT. LAW., Oct. 1988, at 5; FLA. BAR J., Dec. 1988, at 65; R.I. BAR J., Feb. 1989, at 9; W. VIR. LAW., Feb. 1989, at 24; and INTER ALIA, Mar./Apr. 1989, at 5
- Local Governments and the Environment—RCRA* (pt. 2) (with Kent E. Hanson), 18 COLO. LAW. 2159 (1988)
- Opportunities for Environmental Enforcement and Cost Recovery by Local Governments and Citizen Organizations* (with Kent E. Hanson), 18 ENVTL. L. REP.

## TEACHING

*Teaching interests:* Administrative Law, Environmental Law, Federal Courts, Professional Responsibility, Civil Procedure, Torts

### *Law School Teaching*

Tulane Law School (since May 1, 2000): Professor of Law, July 2007 to present; Associate Professor, May 2000-July 2007, Director, Tulane Environmental Law Clinic (May 2000-present). As Tulane Environmental Law Clinic's director, Adam manages a budget of about \$420,000 and supervises a staff of four attorneys and one program coordinator. Each semester approximately 26 law students serve as clinic "student attorneys" and provide environmental legal services to clients. Under Adam's leadership, the clinic has raised more than \$2.8 million in foundation grants, contributions, and attorney fee awards. More information about Tulane Environmental Law Clinic is available at <http://www.tulane.edu/~telc>.

Classes taught (regular term): **1)** Administrative Law (2010-2015); **2)** Pollution Control (2014-15, 2008-10); **3)** Clean Air Act (2005-06, 2002); **4)** Environmental Advocacy Seminar (2000-04); **5)** Environmental Law Clinic (2000 to present); **6)** Hazardous Wastes (2003, 2001); **7)** Legal Analysis (2009, 2003); **8)** State - Federal Relations in Environmental Law Seminar (2012); **9)** Torts (2006-07).

Classes taught (summer terms): **1)** Comparative Environmental Law (2004);  
**2)** Negotiation & Mediation (team-taught) (2007-08); **3)** Marine Pollution (2009)

Georgetown University Law Center, Adjunct Professor, Spring Semester, 1996-1997, Course: Environmental Litigation and Compliance Seminar

University of Denver, College of Law, Lecturer in Law, Fall Semester, 1990, Course: Toxic and Hazardous Waste

### *Graduate School Teaching*

University of Denver, University College, Adjunct Professor, 1991-93 (Environmental Policy and Management Masters Program), Courses: **1)** Resource Conservation and Recovery Act Permitting and Compliance, and **2)** Environmental Protection Law I

### *Undergraduate School Teaching*

American University, Adjunct Professor, Spring Semester, 1997, Course: Environmental Law (an undergraduate course offered by the biology department)

### *International Legal Assistance*

#### American Bar Association Central and Eastern European Law Initiative

- Instructor for training of judges and prosecutors in and around Lviv, Ukraine (5/96)
- Contributor, "Analysis of the Draft Law Concerning Wastes" for the Republic of Moldova (6/97)

Environmental Law Institute, Training of judges and prosecutors in:

- Budapest, Hungary (5/97)

- Budapest, Hungary (6/96)
- Kiev, Ukraine (11/95)
- Buenos Aires, Mendoza, and Salta, Argentina (8/95)

Environmental Law Institute, Instructor, International Seminar on Citizen Suits (Acciones Populares y de Grupo) in Bogota, Columbia (9/94)

### ***Judicial Training***

Environmental Law Institute, Instructor for

- Ohio Common Pleas Judges' Ass'n, Columbus, Ohio (12/93)
- Southwestern Judges' Conference, Albuquerque, NM (7/93).

### **OTHER EXPERIENCE**

***Private Practice***, Mar. 1997 to Mar. 2000—Environmental litigator with a Chicago-based law firm, Zevnik Horton Guibord & McGovern, emphasizing use of third-party liabilities and insurance assets to fund cleanup or containment of hazardous waste on behalf of members of the regulated community, municipalities, and investors in contaminated property.

***Environmental Law Institute*** (ELI), Feb. 1993 to Feb. 1997, Washington, D.C.—Director of Publications and Editor-in-Chief of *The Environmental Law Reporter*, responsible for management of ELI's publications division, including a budget of about \$1 million and a staff of thirteen, instructor in international training courses.

***Private Practice***, Jan. 1988 to Feb. 1993, Denver CO—Prosecuted and defended environmental cases before federal, state, and local courts and agencies. After two years of solo practice, co-founded a Denver law firm, Gablehouse Epel & Babich, in Aug. 1992. Adjunct Attorney for the Environmental Defense Fund from Aug. 1991 through May 1992. Associate with Cornwell & Blakey from Jan. 1988 to July 1990, responsible for litigation under state and federal laws—including the Racketeer Influenced and Corrupt Organizations Act (RICO)—in federal district and bankruptcy courts. Lead counsel in litigation about the Rocky Flats nuclear weapons plant in which the court ordered a shutdown of a radioactive mixed-waste incinerator. Represented victims of hazardous waste contamination in a criminal restitution proceeding in the sentencing phase of *U.S. v. Protex Indus.*, No. 87-CR-115 (D. Colo.), *aff'd*, 874 F.2d 740 (10th Cir. 1989)—the nation's first “knowing endangerment” conviction under the Resource Conservation and Recovery Act (RCRA).

***Colorado Attorney General's Office***, Sept. 1984 to Dec. 1987, Denver, CO—Assistant Attorney General, responsible for enforcing the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), RCRA, and the Toxic Substances Control Act. Counsel on seven Superfund cases filed by Colorado in 1983 to clean up mining sites, uranium mills, a metals processing plant, and the U.S. Army's Rocky Mountain Arsenal—a nerve gas storage facility and pesticide plant. Presented key witnesses and delivered the state's final closing argument during the nation's first full-scale Superfund remedy trial—*Colorado v. Idarado Mining Co.*

***Colorado Supreme Court***, Sept. 1983 to Aug. 1984—Judicial Law Clerk for Deputy Chief Justice Jean E. Dubofsky, responsible for analysis of statutory and constitutional issues in criminal and civil law; prepared draft opinions and memoranda evaluating petitions for certiorari review.

***Computer Operator***, Dec. 1978 to Aug. 1980 (before law school), Philadelphia, PA—administered a DEC PDP 11-70 system at EPA, Region III, for Computer Sciences Corp. Before that, operated

computers for Timeshare, Inc. (Blue Bell, PA).

## PRESENTATIONS

Panelist, *Intellectual Diversity in Clinical Legal Education*, Southern Clinical Conference, Memphis, TN (10/23/15)

*Oil and Gas Environmental Legislation and Litigation Panel*, Air and Waste Management Ass'n Gulf Coast Oil & Gas Env'tl. Conf., New Orleans, LA (9/23/15)

*Working with Administrative Records*, Environmental Law Institute Professional Practice Seminar, Webinar (9/16/15)

*After the Storm: Tulane Law School's Role in Rebuilding*, Tulane University Law School, New Orleans, LA (8/31/15)

*Environmental Law & Policy*, Mandela Washington Fellowship for Young African Leaders, Tulane University, New Orleans, LA (7/15/15)

Panelist, *How We Got Here: The Evolution and Future of Environmental Law Practice*, 24<sup>th</sup> Annual Southeastern Env'tl. Law & Regulation Conference, Sandestin Resort, Miramar Beach, FL (6/19/15)

Faculty, *Review and Permitting of Large Scale Energy Projects*, Environmental Law Institute Master Class, Houston, TX (4/27/15)

Speaker, *Environmental Law Issues*, Tulane Law School 25<sup>th</sup> Annual CLE by the Hour, New Orleans, LA (12/29/14)

Panelist, *Interdisciplinary Perspectives on Rural Environmental Injustice*, Rural Sociological Society, New Orleans, LA (8/2/14)

*Environmental Law Issues*, Louisiana Judicial College Evidence & Procedure Seminar, New Orleans, LA (2/20/14)

*Industrial Siting*, University of Michigan Law School Environmental Law & Public Health Conference, Ann Arbor (9/27/13)

*Cooperative Federalism in Environmental Law (Brown Bag Seminar)*, Congressional Research Service, DC (7/11/13)

*RCRA Citizen Suits: Through the Looking Glass*, ABA Section of Environment, Energy, and Resources, 42<sup>th</sup> Spring Conference, Salt Lake City, UT (3/22/13)

Moderator, Standing & SLAPP Panel, 18<sup>th</sup> Annual Tulane Summit on Environmental Law & Policy, New Orleans, LA (2/22/13)

Keynote Address, Gulf Restoration Network Fall Fundraiser, New Orleans, LA (10/14/12)

Co-Presenter: *Cuba's Offshore Oil Development, Potential Implications for the U.S.*, New Orleans Bar Association Oil & Gas Committee, New Orleans, LA (6/20/12)

Co-Presenter: *Environmental Litigation*, Environmental Law Inst. 3<sup>rd</sup> Annual Skills Workshop in Public Interest Environmental Law, DC (4/21/12)

Luncheon Speaker: *The Environmental Law Clinic's Role*, New Orleans Bar Association Oil & Gas Committee, New Orleans, LA (3/20/12)

Moderator, *Government Accountability Project Whistle-blower Tour*, Local sponsor: New Orleans Coalition on Open Governance, New Orleans, LA (2/28/12)

Panel: *Two Years After the Gulf Oil Spill*, ABA Section of International Law, 2012 ABA Midyear Meeting, New Orleans, LA (2/3/12)

Debate Panel: *The Future of Offshore Leasing*, 2<sup>nd</sup> International Offshore Oil & Law Conference, The Inst. for Energy Law of the Center for American and International Law, New Orleans, LA (12/7/11)

Keynote Address, National Petrochemical & Refiners Association Environmental Conference, New Orleans, LA (10/24/11)

*Environmental Regulation of Air, Water, and Waste*, The Public Law Center International Legislative Drafting Inst., New Orleans, LA (6/23/11)

Panelist, *Teaching Environmental Justice*, Rocky Mountain Mineral Law Foundation Natural Resources Law Teachers Inst., Stevenson, WA (5/28/11)

Panelist, *Environmental Litigation*, Environmental Law Inst. Skills Workshop in Public Interest Environmental Law, DC (4/16/11)

*The Preemption Doctrine and Public Participation Rights*, Case Western Reserve Law Review Symposium, "Government Speech: The Government's Ability to Compel and Restrict Speech," Cleveland, OH (11/19/10)

Panelist, Student National Medical Association Advocacy & Equity Tour Town Hall Meeting, New Orleans, LA (10/16/10)

Panelist, *Professional Responsibility and Environmental Ethics*, ABA Section of Environment, Energy, and Resources 2010 Annual Meeting, New Orleans, LA (10/1/10)

Panelist, *Regulatory Governance Roundtable—Feasibility & Cost Benefit Analysis*, Law & Society Association 2010 Annual Meeting, Chicago, IL (5/29/10)

Panelist, *Building an Environmental Case*, Environmental Law Inst. Public Interest Skills Workshop, DC (3/27/10)

*Cultivating Values: Developing Law Students into Citizen Lawyers*, Association of American Law Schools Section on Clinical Legal Education Panel Discussion, New Orleans, LA (1/9/10)

*Emergency Response and Solid Waste Regulations*, Joint Georgetown University and Loyola University class on law and policy in the wake of Hurricane Katrina, New Orleans, LA (9/9/07)

*Working with Law School Clinics*, Waterkeeper Alliance Conference, New Orleans, LA (6/7/07)

*Environmental Justice*, American Association of Law Libraries. Southeastern Chapter Annual Meeting, Baton Rouge, LA (4/13/07)

*Post-Katrina Environmental Justice*, The Continuing Aftermath of Hurricane Katrina, Texas Southern University, Houston, TX (3/06)

*The Role of U.S. Courts in Environmental Protection*, Tulane Inst. for Environmental Law & Policy Seminar for Dominican Republic Environmental Professionals, New Orleans, LA (6/05)

*Environmental Justice*, Young Leadership Council “One Book One New Orleans” Panel Discussion on Race and Civil Rights, New Orleans (3/05)

*Managing Environmental Cases*, Council of Canadian Administrative Tribunals 3rd International Conference, Toronto, Canada (6/04)

*The Future of Environmental Law Clinics*, Regional Meeting of Environmental Law Societies, White Plains, NY (3/04)

*The Role of the Tulane Environmental Law Clinic*, Air and Waste Management Association (Louisiana Section), New Orleans, LA (1/04)

Moderator, William Gates, Sr. & Chuck Collins, *America's Wealth Gap and the Case for Preserving the Estate Tax*, New Orleans, LA (12/03)

Panelist, *Anthropologists and Effective Environmental Justice Policy*, American Anthropological Association, Chicago, IL (11/03)

*Legal Initiatives of the Tulane Environmental Law Clinic*, Louisiana State Bar Association Environmental Section Seminar, New Orleans, LA (11/03)

*Current Attacks on the Clean Air Act*, New Orleans Group of the Sierra Club Monthly Program, New Orleans, LA (11/03)

*Environmental Justice*, Society of Env'tl Journalists, 13th Annual Conf., New Orleans, LA (9/03)

*Environmental Issues Facing Louisiana's Next Governor*, LSU Law Center Environmental Roundtable, Baton Rouge, LA (5/03)

Luncheon Speaker, National Petrochemical and Refiners Association National Environmental & Safety Conference, New Orleans, LA (4/03)

*Environmental Justice in Louisiana*, Women for a Better Louisiana, New Orleans, LA (4/03)

*The Violator Pays Rule for Environmental Citizen Suits*, Widener Symposium: Citizen Suits at Thirty Something, Wilmington, DE (4/03)

*New Source Review Issues and Clean Air Act Title V*, EPA Clean Air Act Title V Advanced Training, San Francisco, Cal. (3/03)

*New Source Review Issues and Clean Air Act Title V*, EPA Clean Air Act Title V Advanced Training, Durham, NC (5/02)

Panelist, *Environmental Justice*, Tulane Law School Environment 2002 Conference (3/02)

*Writing Effective Comment Letters*, EPA Clean Air Act Title V Training, Houston TX (12/02)

*Clean Air Act Meets the Real World: Ozone Attainment in the Baton Rouge Area*, Louisiana State Bar Association Environmental Law Section Annual Seminar, New Orleans, LA (11/01)

*Legal Ethics & Representation on Environmental Justice Issues*, 17th Annual NAACP Lawyers' Continuing Legal Education Seminar, New Orleans, LA (7/01)

*Environmental Liability*, Federal Judicial Center & Tulane Law School Program for U.S. Bankruptcy Judges, New Orleans, LA (5/01)

Panelist, *Environmental Standards in Central and Eastern Europe*; Moderator, *Clean Air and the Future: Trading and Compliance*, Tulane Law School Environment 2001 Conference, New Orleans, LA (3/01)

*Recent Developments in Environmental Law*, 12th Annual Tulane Law School CLE by the Hour, New Orleans, LA (12/00)

*Class Action Update*, 21st Annual Advanced ALI-ABA Course on Hazardous Wastes, Superfund, and Toxic Substances, DC (10/99)

*Toxic Torts*, 20th Annual Advanced ALI-ABA Course on Hazardous Wastes, Superfund, and Toxic Substances, DC (11/98)

*Resource Conservation and Recovery Act*, ELI Boot Camp Course on Environmental Law, Bethesda, MD (11/98)

*Hazardous Waste Law*, ELI Boot Camp Course on Environmental Law, Alexandria, VA (11/97)

*Natural Resource Damages*, 19th Annual Advanced ALI-ABA Course on Hazardous Wastes, Superfund, and Toxic Substances, DC (11/97)

*Introduction to RCRA and CERCLA*, ALI-ABA Environmental Law Course, DC (2/97)

*Strategies for Environmental Law Research*, ELI Boot Camp Course on Environmental Law, Alexandria, VA (11/96)

Program co-chair, 18th Annual Advanced American Law Institute-American Bar Association (ALI-ABA) Course on Hazardous Wastes, Superfund, and Toxic Substances,

DC (10/96)

*Risk-Based Remediation, Hazardous Waste Solvents in Subsurface Environments*, Northwest Center for Occupational Health and Safety, Seattle, WA (9/96)

*The Proposed Hazardous Waste Identification Rule*, ALI-ABA Environmental Law Course, DC (2/96)

Program co-chair, 17th Annual Advanced American Law Institute-American Bar Association (ALI-ABA) Course on Hazardous Wastes, Superfund, and Toxic Substances, DC (10/95)

*Oversight and Regulation of DOE Facilities*, Advisory Committee on External Regulation of Department of Energy Nuclear Safety, Santa Fe, NM (7/95)

*Evaluation of Regulatory Measures*, National Research Council, Committee to Evaluate the Science, Engineering, and Health Basis of the DOE's Environmental Management Program, Evaluation of Regulatory Measures Workshop, DC (6/95)

*Overview of Environmental Statutes*, U.S. EPA National Enforcement Training Inst., Basic Environmental Enforcement Course, Denver, CO (5/95)

*Cooperative Federalism and Hazardous Waste*, Quinn, Ward and Kershaw Environmental Symposium, U. of Maryland School of Law, Baltimore, MD (4/95)

*Environmental Federalism*, Aspen Inst., The Environment in the 21st Century, Aspen, CO (3/95)

*Recent Developments in Hazardous Waste and Toxic Tort Law*, ALI-ABA Environmental Law Course, DC (2/95)

Program co-chair, 16th Annual Advanced American Law Institute-American Bar Association (ALI-ABA) Course on Hazardous Wastes, Superfund, and Toxic Substances, DC (10/94)

*Superfund and RCRA*, ALI-ABA Environmental Law Course, DC (2/94)

*Enforcement of the Clean Air Act Amendments*, Rubber Manufacturers Association Clean Air Workshop, Herndon, VA (11/93)

*RCRA Programs and Enforcement*, ALI-ABA Hazardous Wastes, Superfund, and Toxic Substances Course, DC (10/93)

*Private Cost Recovery and Contribution Actions Under the Superfund Act*, ALI-ABA Environmental Litigation Course, Boulder, CO (6/93)

*Corporate Environmental Management*, Rocky Mountain Mineral Law Foundation, Denver, CO (2/93)

*Citizen Suits at Federal Facilities*, Government Institutes, Inc. Federal Facility 1992 Environmental Update, Denver, CO (8/92)

*U.S. Department of Energy Implementation of RCRA and CERCLA*, National Research Council Workshop on

Critical Issues in Environmental Remediation, Woods Hole, MA (7/92)

*Hazardous Waste in Colorado*, Nat. Business Inst., Denver, CO (9/91)

*Hazardous Materials on Construction Projects*, Associated General Contractors of Colorado, Denver, CO (6/91)

Program chair, *When Business Becomes a Crime: Anticipating & Managing the Complexities of Civil/Criminal Practice*, U. of Denver College of Law Inst. for Advanced Legal Studies, Denver, CO (5/91)

*Citizen Enforcement of the 1990 Clean Air Act Amendments*, U. of Denver College of Law Inst. for Advanced Legal Studies, Denver, CO (4/91)

*An Overview of Environmental Law/Toxic Tort Practice*, Colo. Trial Lawyers Ass'n Environmental and Toxic Torts Seminar, Denver, CO (2/91)

*Enforcement at Federal Facilities*, Executive Enterprises, Inc. Environmental Compliance at Federal Facilities Conference, DC (6/90)

*Overview of Environmental Regulation and Impact of Environmental Liability on Real Estate Transactions and Sales of Businesses*, Prof. Ed. Systems, Inc. Env't'l Law for the General Practitioner in Colorado Seminar, Denver, CO (6/90)

*Citizen Enforcement at Rocky Flats: A Case Study*, U. of Denver College of Law Inst. for Advanced Legal Studies, Denver, CO (6/90)

*Hazardous Waste at Federal Facilities*, Oak Ridge National Laboratory Life Sciences Symposium, Gatlinburg, TN (5/90)

*Recycling, Sham Recycling, and the Definition of Waste under RCRA*, Western States Hazardous Waste Project, Keystone, CO (5/90)

*The Effect of Environmental Statutes on Real Estate Transactions*, POETS (an association of Denver real estate lawyers), Denver, CO (Dec. 1989)

*Parallel Civil/Criminal Proceedings: The Rocky Flats Experience*, Colo. Bar Ass'n, Denver, CO (10/89)

*State and Local Governments and Toxic Waste*, ALI-ABA Hazardous Wastes, Superfund, and Toxic Substances Course, DC (12/88)

*Local Governmental Enforcement and Cost-Recovery Actions*, Inside Superfund Conf., Arlington, VA (10/88)

*Municipal Rights and Liabilities Under Superfund*, Colo. Municipal League, Annual Seminar on Municipal Law, Keystone, CO (10/88)

*Superfund and Hazardous Waste*, Colorado County Attorneys Association Seminar, Crested Butte, CO (6/88)

*Environmental Litigation for Private Plaintiffs and Local Governments*, Colo. Hazardous Waste Management

## SELECTED CASES

*Apalachicola Riverkeeper v. Taylor Energy Co.*, 2015 WL 4096445 (E.D. La. July 7, 2015) & 954 F. Supp.2d 448 (E.D. La. 2013).

*Gulf Restoration Network v. McCarthy*, 783 F.3d 227 (5th Cir. 2015)

*Louisiana Environmental Action Network v. City of Baton Rouge*, No. 10-cv-187, (M.D. La., Consent Decree entered Mar. 19, 2013) (ECF No. 47)

*La. Env'tl. Action Network v. Baton Rouge*, 677 F.3d 737 (5th Cir. 2012).

*Holy Cross Neighborhood Ass'n v. U.S. Army Corps of Engineers*, 74 Env't Rep. Cas. (BNA) 1772 (E.D. La. 2011).

*La. Env'tl. Action Network v. Jackson*, 685 F. Supp. 2d 43 (D.D.C. 2010).

*Concerned Citizens Around Murphy v. Murphy Oil USA, Inc.*, 686 F. Supp. 2d 663 (E.D. La. 2010).

*O'Reilly v. U.S. Army Corps of Engineers*, 477 F.3d 225 (5th Cir. 2007).

*South Coast Air Quality Management Dist. v. EPA*, 472 F.3d 882 (D.C. Cir. 2006), *clarified on denial of reh'g*, 489 F.3d 1245 (D.C. Cir. 2007), *cert. denied* 552 U.S. 1140 (Jan. 14, 2008).

*Holy Cross Neighborhood Ass'n v. U.S. Army Corps of Engineers*, 455 F. Supp. 2d 532 (E.D. La. 2006).

*Gulf Restoration Network v. U.S. Dept. of Transp.*, 452 F.3d 362 (5th Cir. 2006).

*St. Bernard Citizens for Environmental Quality, Inc. v. Chalmette Refining, L.L.C.*, 399 F. Supp. 2d 726 (E.D. La. 2005) (second summary judgment ruling); 354 F. Supp. 2d 697 (E.D. La. 2005) (liability & standing); 348 F. Supp. 2d 765 (E.D. La. 2004) (motion to stay).

*La. Env'tl. Action Network v. EPA*, 382 F.3d 575 (5th Cir. 2004).

*Oakville Community Action Group v. Indus. Pipe, Inc.*, 55 ERC (BNA) 1519 (E.D. La. 2002).

*Fireman's Fund Insurance Co. v. City of Lodi*, 41 F. Supp.2d 1100 (E.D. Cal., 1999) (summary judgment), *aff'd in part & rev'd in part* 302 F.3d 928 (2002).

*Connecticut Indemnity Co. v. Superior Court*, 73 Cal. App. 4th 540, 86 Cal. Rptr. 2d 515 (Cal. App. 3 Dist., 1999), *rev'd*, 3 P.3d 868, 98 Cal. Rptr. 2d 221 (July 24, 2000).

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*Sierra Club v. Dep't of Energy* (No. 89-B-181), 770 F. Supp. 578 (D. Colo. 1991) (injunction); 734 F. Supp. 946 (D. Colo. 1990) (summary judgment); 24 Env'tl. L. Rep. (Env'tl. L. Inst.) 20181 (D. Colo. Feb. 28, 1990) (contractor's motion to dismiss).

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## TESTIMONY

- *Statement at the request of Advocates for Environmental Human Rights*, New Orleans City Council hearing about a proposed comprehensive zoning ordinance and plans to build a high school on a former toxic dumpsite (5/15)
- *Statement on behalf of the Environmental Defense Fund* before the Colorado Board of Health on Proposed Regulations Governing Administrative Enforcement of the Colorado Hazardous Waste Management Act, Denver, CO (8/91).
- *Statement on behalf of the Environmental Defense Fund* before the Nuclear Waste Technical Review Board Panel on Transportation and Systems, Denver, CO (8/91).
- *Statement on behalf of Sierra Club* on H.R. 918 (“The Mineral Exploration and Development Act of 1991”) before the U.S. House of Representatives Committee on Interior and Insular Affairs, Subcommittee on Mining and Natural Resources, Denver, CO (4/91).

## BAR ADMISSIONS

Admitted in: Louisiana, California, Colorado, Illinois (inactive), and Washington, D.C. and before the U.S. Supreme Court, the U.S. Courts of Appeals for the D.C., Ninth, Tenth, and Fifth Circuits, and the U.S. District Courts for the Districts of Columbia and Colorado, the Northern and Eastern Districts of California, the Northern District of Illinois (Trial Bar), the Northern District of Texas, and the Eastern, Western and Middle Districts of Louisiana.

## HONORS

- Recipient, 2012 Bradburn-Smith Conservation Award, presented by the Gulf Restoration Network.
- Director of Organization (the Tulane Environmental Law Clinic) awarded the New Orleans Chapter of the Federal Bar Association’s Camille F. Gravel, Jr. Pro Bono Award (7/23/2010).
- Recipient, Sierra Club Delta Chapter “Pelican Award,” for outstanding achievement in legal services (2007).
- Professional Conservationist of the Year, 1991, Sierra Club Rocky Mountain Chapter.

## MISCELLANEOUS

- Member, Legal Advisory Board, Environmental Integrity Project, Washington D.C., 2009 to present.
- Member, Board of Directors, Environmental Integrity Project, Washington D.C., 2005 to 2009.
- Member, Independent Scientific Peer Review Teams for: (1) evaluation of the Savannah River Site's Management Action Plan (report issued 9/96); and (2) evaluation of a groundwater corrective action plan for facilities at DOE's Savannah River Site (report issued 10/95).
- Member, EPA’s National Advisory Council for Environmental Policy and Technology Subcommittee on Radiation Cleanup Regulations (appointed 10/1993).
- Member, National Research Council Environmental Restoration Priority System Panel. (The National Research Council is the principal operating agency of the National Academy of Sciences) (Appointed 10/1992).
- Publications have been cited in more than 310 articles and books, five judicial opinions, and one administrative decision.

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2. Morton Intern., Inc. v. A. E. Staley Mfg. Co., 106 F. Supp.2d 737, 754 n.19 (D.N.J. 2000)
3. Aerojet-General Corp. v. Transport Indemnity Co., 53 Cal. Rptr.2d 398 (1996), aff'd in part and rev'd in part, 948 P.2d 909 (Cal. 1998)
4. Becton v. Rhone-Poulenc, Inc., 706 So.2d 1134, 1142 (Ala. 1997)
5. Michigan Millers Mut. Ins. Co. v. Bronson Plating Co., 445 Mich. 558, 519 N.W.2d 864 (1994)
6. In re: Mobil Oil Corporation, 1994 WL 544260, 5 E.A.D. 490 (Sept. 29, 1994)