

MARCILYNN A. BURKE

University of Oregon School of Law, 1221 University of Oregon, Eugene, Oregon 97403-1221

(541) 346-3836 (o) ♦ (541) 346-3995 (f)

maburke@uoregon.edu ♦ <https://law.uoregon.edu/people/faculty/maburke>

SUMMARY

ACADEMIC APPOINTMENTS

- | | | |
|----------------|--|-------------------|
| 2017 – present | University of Oregon School of Law
<i>Dean & Dave Frohnmayer Chair in Leadership and Law</i> | Eugene, Oregon |
| 2002 – 2017 | University of Houston Law Center
<i>Associate Dean (2015 – 2017)</i>
<i>Associate Professor of Law (with tenure) (2009 – 2017)</i>
<i>Assistant Professor of Law (2002 – 2009)</i>
Classes: Federal Natural Resources, Land Use, and Property | Houston, Texas |
| 2006 – 2007 | Seattle University School of Law
<i>Visiting Assistant Professor of Law</i>
“Summer in Alaska” program (Summers 2006 & 2007) | Anchorage, Alaska |
| 2001 – 2002 | Rutgers University School of Law – Camden
<i>Visiting Assistant Professor of Law</i>
Classes: Environmental Law’s Land Use Management and Property | |

LEGAL AND POLICY-MAKING EXPERIENCE

- | | | |
|-------------|--|-------------------|
| 2021 – 2022 | Oregon Transportation Commission
<i>Commissioner</i> | Salem, Oregon |
| 2011 – 2013 | U.S. Department of the Interior
<i>Acting Assistant Secretary for Land and Minerals Management</i>
Developed policies and provided oversight for four bureaus with over 12,000 employees and budgets in excess of \$1.7 billion, responsible for management of federal public lands and the Outer Continental Shelf, and the regulation of coal mining. Led immediate team of 16 professional and administrative staff.
(President Barack Obama’s nominee/designate from Feb. 2012 – Jan. 2013; reported favorably out of the U.S. Senate’s Committee on Energy and Natural Resources in Apr. 2012.) | Washington, DC |
| 2009 – 2011 | Bureau of Land Management
U.S. Department of the Interior
<i>Deputy Director, Programs and Policy</i>
Led development and implementation of policy initiatives for the Bureau’s activities, including energy development; mining; grazing; recreation; and conservation. Shared Director’s responsibility for all functions and acted as Director in his absence. | Washington, DC |
| 1996 – 2001 | Cleary, Gottlieb, Steen & Hamilton
<i>Associate</i> | Washington, DC |
| 1995 – 1996 | The Honorable Raymond A. Jackson
<i>Law Clerk (U.S. District Court)</i> | Norfolk, Virginia |

EDUCATION

- | | |
|---|---------------------------------------|
| Yale Law School | J.D., June 1995 |
| The University of North Carolina at Chapel Hill | A.B., International Studies, May 1991 |

CURRICULUM VITAE FOR MARCILYNN A. BURKE

LEGAL AND POLICY-MAKING EXPERIENCE

- | | | |
|-------------|--|----------------|
| 2021 – 2022 | Oregon Transportation Commission
<i>Commissioner</i> | Salem, Oregon |
| | <ul style="list-style-type: none">• Established state transportation policy.• Guided planning, development, and management of a statewide integrated transportation network.• Served on the Oregon Transportation Plan Policy Coordinating Committee• Directed allocation of state's appropriations from the federal Infrastructure Investment and Jobs Act. | |
| 2011 – 2013 | U.S. Department of the Interior
<i>Acting Assistant Secretary for Land and Minerals Management</i>

<i>President Barack Obama's nominee/designate in Feb. 2012; nomination reported favorably out of the U.S. Senate's Committee on Energy and Natural Resources in Apr. 2012.</i> | Washington, DC |
| | <ul style="list-style-type: none">• Established policies and provided oversight to four bureaus with over 12,000 employees within the Department and budgets in excess of \$1.7 billion:<ul style="list-style-type: none">• Bureau of Land Management,• Bureau of Ocean Energy Management,• Bureau of Safety and Environmental Enforcement, and• Office of Surface Mining Reclamation and Enforcement.• Led immediate team of 16 professional and administrative staff, with 8 direct reports.• Oversaw management of public lands and resources, including opportunities for—<ul style="list-style-type: none">• energy development on- and offshore (oil & gas, coal, wind, solar, geothermal, etc.);• non-energy mineral development (phosphate, sodium, potassium, gold, etc.);• recreation, such as hunting, fishing, off-highway vehicle driving, and birding;• timber harvesting and use of other forest products;• livestock grazing; and• conservation and preservation of natural, historical, cultural, and other resources.• Oversaw enforcement of state and federal coal mining and reclamation programs in cooperation with states and tribes.• Developed interagency agreements, such as—<ul style="list-style-type: none">• the Memorandum of Understanding (MOU) on renewable energy with the Department of Defense and• the MOU on air quality with the U.S. Department of Agriculture and the U.S. Environmental Protection Agency. | |

CURRICULUM VITAE FOR MARCILYNN A. BURKE

YALE JOURNAL OF LAW AND FEMINISM – Editor

Morris Tyler Moot Court of Appeals – Board Co-Chair

Writing Prize:

Connecticut Attorneys' Title Guaranty Fund Prize for the best paper in the area of real property law, awarded by Yale University

THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

A.B., International Studies, May 1991

Honors:

Phi Beta Kappa

Dean's List – all semesters

Joseph E. Pogue Scholarship – 4-year academic scholarship

Panhellenic Association Freshman Scholarship

Activities:

U.S. Department of Justice, Civil Division, Commercial Litigation – Intern

UNC-Chapel Hill International Center – English as a Second Language Tutor

C.A. Dillon Training School, N.C. Department of Correction – Tutor

THE TECHNICAL UNIVERSITY OF BERLIN

Semester Study Abroad, Fall 1990

PUBLICATIONS

Streamlining or Steamrolling: Oil and Gas Leasing Reform on Federal Public Lands in the Trump Administration, 91 COLO. L. REV. 453 (2020)

Anything New Under the Sun: When Voters Directly Regulate Energy and Mineral Development, 65 ROCKY MT. MIN. L. INST. 2-1 (2019) (peer reviewed)

A New Day Dawning? Regional and Compensatory Mitigation on Public Lands, 60 ROCKY MT. MIN. L. INST. 26-1 (2014) (peer reviewed)

For nearly four years I was precluded from publishing because I was serving as a political appointee for the Obama Administration. I was on leave from Fall 2009 until Spring 2013 to serve at the U.S. Department of Interior, first as the Deputy Director for Policy and Programs at the Bureau of Land Management and then as the Acting Assistant Secretary for Land and Minerals Management.

The Emperor's New Clothes: Exposing the Failures of Regulating Land Use Through the Ballot Box, 84 NOTRE DAME L. REV. 1453 (2009) (lead article)

Green Peace? Protecting Our National Treasures While Providing for Our National Security, 32 WM. & MARY ENVTL. L. & POL'Y REV. 803 (2008)

Much Ado About Nothing: Kelo v. City of New London, Sweet Home v. Babbitt, and Other Tales from the Supreme Court, 75 U. CIN. L. REV. 663 (2006) (lead article)

CURRICULUM VITAE FOR MARCILYNN A. BURKE

	Executive Committee (elected by colleagues) (Fall 2014) Ex Officio Member on all Law Center Committees (Spring 2015) Mentor to First-Year Law Students
2013 – 2014	Executive Committee (elected by colleagues) Curriculum Committee (Chair) Judge for Black Law Students Association's First-Year Scholarship Mentor to First-Year Law Students
2009 – 2013	<i>Leave of Absence</i> to serve in the Obama Administration at the U.S. Department of the Interior, first as Deputy Director, Programs and Policy at the Bureau of Land Management (2009 – 2011), and then as Acting Assistant Secretary for Land and Minerals Management (2011 – 2013)
2008 – 2010	Center for Environment, Energy and Natural Resources Law Co-director with budget authority and fundraising responsibility Lead Faculty Advisor for the UHLC ENVTL. & ENERGY L. & POL'Y J. Faculty Appointments Committee (ad hoc environmental and energy subcommittee) Judicial Clerkship Committee
2007 – 2008	Faculty Editor, Recent Developments & Book Reviews, UHLC ENVTL. & ENERGY L. & POL'Y J. Mentor to First-Year Law Students
2006 – 2007	Faculty Appointments Committee Curriculum Committee Faculty Editor, Recent Developments & Book Reviews, UHLC ENVTL. & ENERGY L. & POL'Y J. Mentor to First-Year Law Students
2005 – 2006	Faculty Editor, Recent Developments & Book Reviews, UHLC ENVTL. & ENERGY L. & POL'Y J. Student Affairs & Judicial Clerkships Committee Teaching Committee
2004 – 2005	Faculty Appointments Committee Faculty Editor, Recent Developments & Book Reviews, UHLC ENVTL. & ENERGY L. & POL'Y J. Graduate Legal Studies Committee (Fall semester) Judicial Clerkship Committee (ad hoc) Library Committee
2003 – 2004	Curriculum Committee Faculty Editor, Recent Developments & Book Reviews, UHLC ENVTL. & ENERGY L. & POL'Y J. Judicial Clerkship Committee (ad hoc) Mentor to First-Year Law Students

CURRICULUM VITAE FOR MARCILYNN A. BURKE

- July 2017 Keynote Speaker, 2017 Lutie Lyde Black Women Law Faculty Writing Workshop, **The University of Michigan Law School** (“Being Brilliant, Balanced and Bold in the New Legal and Political Landscape – Academia and Social Justice”)
- January 2017 Lecturer, Martin Luther King, Jr., Lecture Series, **Lewis & Clark Law School** (“This Land is Whose Land?!”)
- January 2017 Presenter, **AALS Annual Meeting** (“Environmental Law in the New Administration”)
- January 2017 Presenter, **AALS Annual Meeting** (“Natural Resource, Energy, and Environmental Implications of ‘Leave it in the Ground’ Policies”)
- March 2016 Presenter, Climate and Energy Workshop, **UCLA School of Law** (federal hydraulic fracturing rule)
- March 2016 Presenter, Emerging Issues at the Intersection of Energy and Natural Resources, **Louisiana State University Law Center** (Hydraulic Fracturing and Public Lands)
- Feb. 2016 Moderator, Super Tuesday: Analyzing the 2016 Presidential Election, **University of Houston**
- April 2015 Speaker, Competing Visions for a Sustainable Future Symposium, **University of Michigan Law School** (environmental impacts of renewable energy)
- October 2014 Fifth Annual Colloquium on Environmental Scholarship, **Vermont Law School** (hydraulic fracturing on public lands)
- July 2014 Speaker, **60th Annual Rocky Mountain Mineral Law Institute**, Environmental Section (A New Day Dawning? Regional and Compensatory Mitigation on Public Lands)
- March 2014 Speaker, Offshore Energy in the Southeast, **The University of North Carolina School of Law’s** Center for Law, Environment, Adaptation, and Resources and N.C. Coastal Resources Law, Planning, and Policy Center (What’s New Under the Sun: Offshore Energy Development in the Southeast)
- March 2014 Convener, 2014 J.B. and Maurice C. Shapiro Environmental Law Symposium, **The George Washington University Law School, the University of Houston Law Center, and the Environmental Law Institute** (The Role of Planning in Federal Land Management and Energy Development)
- January 2014 Presenter, BYU Law Review Symposium, **Brigham Young University J. Reuben Clark Law School** (The Global Commons)
- October 2013 Speaker, Renewable Energy Law & Policy Summit, **University of Denver Sturm College of Law** (renewable energy development on federal public lands)
- August 2013 Presenter, 2013 **Colorado Law and Duke School of Law’s** Fifth Annual Summer Works-in-Progress Symposium, “Natural Resources, Energy, and Environment in a

CURRICULUM VITAE FOR MARCILYNN A. BURKE

- and Environment and the Environmental Law Society (The Public Nature of Private Solar Energy Development on Federal Public Lands)
- January 2009 Presenter, Mid-Atlantic People of Color Legal Scholarship Conference, 2009 Annual Meeting, **Temple University Beasley School of Law** (The Public Nature of Private Solar Energy Development on Federal Public Lands)
- November 2008 Presenter, The Public Nature of Private Property, **Georgetown University Law Center** (The Public Nature of Private Solar Energy Development on Federal Public Lands)
- October 2008 Roundtable Participant, Adaptation of Legal Regimes in the Face of Climate Change, **University of North Carolina School of Law** (Loss of and Access to Natural Resources)
- June 2008 Presenter and Commentator, Lutie A. Lytle Black Women Law Faculty Writing Workshop, **University of Denver Sturm College of Law** (The Emperor's New Clothes: Exposing the Myths Behind Ballot Box Land Use Regulation)
- June 2008 Presenter, 2008 Property Works in Progress Conference, **University of Colorado Law School** (The Emperor's New Clothes: Exposing the Myths Behind Ballot Box Land Use Regulation)
- February 2007 Presenter, Biodiversity Lecture, Institute for Biodiversity Law and Policy, **Stetson University College of Law** (Green Peace? Protecting Our National Treasures While Providing for Our National Security)
- February 2007 Presenter, Faculty Scholarship Exchange, **Stetson University College of Law** (Green Peace? Protecting Our National Treasures While Providing for Our National Security)
- February 2007 Presenter, William and Mary Environmental Law and Policy Review Symposium, **William and Mary Marshall-Wyeth School of Law** (Mission Impossible? The Compatibility of Military and Environmental Goals)
- January 2007 Presenter, Mid-Atlantic People of Color Legal Scholarship Conference, 2007 Annual Meeting, **University of Richmond School of Law** (Environmental Protection and National Security: Can They Co-Exist?)
- March 2006 Panelist, "In Fairness to Future Generations," Twelfth Annual Public Interest Environmental Conference, Panel: All Hot and Bothered: Global Warming, Endangered Species & Sustainable Development, **University of Florida Levin College of Law** (The Rhetoric of the Endangered Species Act)
- January 2006 Presenter, Mid-Atlantic People of Color Legal Scholarship Conference, 2006 Annual Meeting, **American University Washington College of Law** (Much Ado About Nothing: *Kelo v. City of New London*, *Sweet Home v. Babbitt*, and Other Tales from the Supreme Court)

CURRICULUM VITAE FOR MARCILYNN A. BURKE

May 2020	Discussion Framer, Drexel University, Thomas R. Kline School of Law , Leaning into Uncertainty: Ensuring Quality Legal Education During Coronavirus, ("Maintaining Strategic Priorities and Institutional Health Through Crisis")
February 2020	Plenary Speaker, NALP , Newer Professionals' Forum (How Legal Career Professionals Make an Impact on the Profession)
January 2020	Facilitator, AALS , Deans Forum Program (Academic Program Review and Assessment)
November 2019	Presenter, 15th Annual National Black Pre-Law Conference and Law Fair 2019 ("Dare to Be"), Columbia Law School
September 2019	Inaugural Chair Lecturer, Dave Frohnmayer Chair in Leadership and Law , University of Oregon School of Law
July 2019	Discussant, Southeastern Association of Law Schools (Pathways to Becoming a Dean)
July 2019	Discussant, Southeastern Association of Law Schools (Bar Examinations (and Assessment of Competency to Practice Law))
July 2019	Panelist, 5th Annual Associate Deans of Color Retreat , Fort Lauderdale, FL (The Difference Between Being a Dean and Being an Associate Dean: The Uniqueness of Your Administrative Structure and Expectations of Your Role(s))
October 2018	Keynote Speaker, 10th Annual Campaign for Equal Justice Luncheon , Eugene, OR (Access to Justice: "I am Legal Aid")
May 2018	Panelist, Women in Leadership Series , University of Oregon
September 2016	Presenter, UHLC Alumni Breakfast, 2016 Annual Judicial Education Conference , San Antonio, TX
October 2015	Presenter, Houston Business & Tax Law Journal (The Value of Networking), University of Houston Law Center
September 2015	Presenter, UHLC Alumni Breakfast, 2015 Annual Judicial Education Conference , Dallas, TX
August 2015	Moderator, U.S. Supreme Court Update Continuing Legal Education (CLE), University of Houston Law Center
July 2015	Moderator, U.S. Supreme Court Update CLE, University of Houston Law Center
October 2014	Panelist, ABA Section of Environment, Energy, and Resources (SEER)'s Fall Conference (The Bureau of Land Management's Regional Mitigation Policy and Strategy), Miami, FL
September 2014	Panelist, Methane Emissions for Exploration to Production to Distribution, Gas Technology Institute and Houston Advanced Research Center (HARC) , The Woodlands, TX

CURRICULUM VITAE FOR MARCILYNN A. BURKE

- May 2011 Presenter, **Keys to a Successful Natural Resources Career**, (Elements of Federal Policy Development in the Natural Resource Arena), Michigan State University (Boone and Crockett Club), Washington, DC
- April 2011 Leader, **White House Business Council Roundtable** (banking, information technology, renewable energy), Phoenix, AZ
- March 2011 Speaker, **Association of Fish and Wildlife Agencies' Energy Policy Committee Meeting at the 2011 North American Wildlife & Natural Resources Conference** (BLM update), Kansas City, MO
- November 2010 Presenter, **Natural Gas Hydraulic Fracturing on Public Lands Forum**, U. S. Department of the Interior (The Bureau of Land Management's Current Regulation of Hydraulic Fracturing and the Outlook for the Future), Washington, DC
- November 2010 Speaker, **Chicago Botanic Garden** (Partnering for Nature's Garden), Chicago, IL
- November 2010 Moderator, **National Landscape Conservation System (NLCS) Summit**, Bureau of Land Management (The NLCS – Celebrating the First Ten Years: A Look at its Creation, Purpose, and Evolution), Las Vegas, NV
- September 2010 Presenter, **Public Lands Council Annual Meeting** (Presentation of Awards and Rangeland Updates – sage-grouse, wild horses, fire, ecoregional assessments, invasive species, restoration), Pendleton, OR
- July 2010 Presenter, **2010 League of United Latin American Citizens (LULAC) National Convention** (Partnerships in Support of Diversity), Albuquerque, NM
- June 2010 Presenter, **2010 Independent Petroleum Association of America (IPAA) Midyear Meeting** (Oil and Gas Leasing Reform), Colorado Springs, CO
- June 2010 Presenter, **Understanding and Addressing Landscape Change**, Bureau of Land Management (Setting the Stage for Bureau-Wide, Integrated Responses), Park City, UT
- June 2010 Panelist, **National Wilderness Leadership Course**, Arthur Carhart National Wilderness Training Center (Challenges and Priorities in Wilderness Stewardship), Missoula, MT
- June 2010 Presenter, **2010 Re-Energize America Conference**, New Mexico State University (Job Creation Potential for Renewable Energy Development on Public Lands), Las Cruces, NM
- June 2010 Speaker, **10th Anniversary National Landscape Conservation System Events**, Bureau of Land Management (Ironwood Forest National Monument (AZ), Canyons of the Ancients National Monument (CO), Pompeys Pillar National Monument (MT), Wild and Scenic Rio Grande River (NM))
- May 2010 Keynote Speaker, **A Decade of Discovery – Science Symposium**, Bureau of Land Management (It's All About the Science), Albuquerque, NM
- May 2010 Keynote Speaker, **Green Partnerships: U.S. – Denmark**, sponsored by the Ambassador of the United States to the Kingdom of Denmark (New Energy Frontier), Copenhagen, Denmark

CURRICULUM VITAE FOR MARCILYNN A. BURKE

May 2011	S. 268, Forest Jobs and Recreation Act , Senate Energy and Natural Resources Committee, Subcommittee on Public Lands and Forests
May 2011	S. 233, North Fork Watershed Protection Act of 2011 , Senate Energy and Natural Resources Committee, Subcommittee on Public Lands and Forests
May 2010	Oversight Hearing, "Up in the Air: The BLM's [Bureau of Land Management] Disappearing Helium Program" , House Natural Resources Committee, Subcommittee on Energy and Mineral Resources
April 2010	H.R. 86, Orange County, California Rocks and Small Islands , Senate Energy and Natural Resources Committee, Subcommittee on Public Lands and Forests
April 2010	S. 2762, San Juan Mountains Wilderness Act , Senate Energy and Natural Resources Committee, Subcommittee on Public Lands and Forests
April 2010	S. 3185, Elko Motocross and Tribal Conveyance Act , Senate Energy and Natural Resources Committee, Subcommittee on Public Lands and Forests
April 2010	S. 3075, North Fork Watershed Protection Act of 2010 , Senate Energy and Natural Resources Committee, Subcommittee on Public Lands and Forests
March 2010	H.R. 2099, Southeast Alaska Native Land Entitlement Finalization Act , House Natural Resources Committee
March 2010	H.R. 4289, Colorado Wilderness Act , House Natural Resources Committee, Subcommittee on National Parks, Forests and Public Lands
February 2010	H.R. 3709, Geothermal Production Expansion Act , House Natural Resources Committee, Subcommittee on Energy and Mineral Resources
January 2010	H.R. 4192, Stornetta Public Lands Outstanding Natural Area , House Natural Resources Committee, Subcommittee on National Parks, Forests and Public Lands
January 2010	H.R. 3914, San Juan Mountains Wilderness Act , House Natural Resources Committee, Subcommittee on National Parks, Forests and Public Lands
January 2010	H.R. 2944, Southern Arizona Public Lands Protection Act , House Natural Resources Committee, Subcommittee on National Parks, Forests and Public Lands
November 2009	Joint Oversight Hearing, "Getting Past Gridlock: Models for Renewable Energy Siting and Transmission" , House Natural Resources Committee, Subcommittee on Energy & Mineral Resources, Subcommittee on Water and Power
October 2009	S. 940, Southern Nevada Higher Education Lands Act , Senate Energy and Natural Resources Committee, Subcommittee on Public Lands and Forests
October 2009	S. 522, Salmon Lake Land Selection Resolution Act , Senate Energy and Natural Resources Committee, Subcommittee on Public Lands and Forests
October 2009	S. 881, Southeast Alaska Native Land Entitlement Finalization Act , Senate Energy and Natural Resources Committee, Subcommittee on Public Lands and Forests

CURRICULUM VITAE FOR MARCILYNN A. BURKE

- January 2020 LSAC.org, Law:Fully Blog, *LSAT Or GRE? Some Law Schools Say Giving Applicants An Option Improves Diversity*, <https://www.lsac.org/blog/lSAT-or-other-tests-some-law-schools-say-giving-applicants-option-improves-diversity>
- December 2018 UO Today, *UO Today with Marcilynn Burke*, <https://www.youtube.com/watch?v=3YkVIFQcwX0>
- June 2018 Oregon Law, Introduction of Marcilynn Burke, <https://www.youtube.com/watch?v=ZNokMKnZV8>
- October 2017 Bob Keefer, *New Law School Dean Seeks Harmony*, EUGENE WEEKLY, Oct. 12, 2017, EUGENE WEEKLY, <https://www.eugeneweekly.com/2017/10/12/new-law-school-dean-seeks-harmony/>
- August 2017 Max Thornberry, *Back In Session: Law Students Meet Their New Dean*, Aug. 22, 2017, DAILY EMERALD, <https://www.dailymerald.com/2017/08/22/back-session-law-students-meet-new-dean/>
- March 2017 Christian Hill, *UO Names New Dean of Law School*, REGISTER-GUARD, March 16, 2017, <http://projects.registerguard.com/rg/news/local/35382194-75/uo-taps-houston-legal-scholar-as-new-law-school-dean.html.csp>
- February 2016 CBS This Morning, Feb. 25, 2016, Some Texas professors warn guns in classes threaten free speech, <http://www.cbsnews.com/news/university-of-houston-faculty-concealed-weapons-law-threaten-free-speech-safety/>
- January 2016 Houston Matters, *Would Banning Guns in Dorms Violate the New Campus Carry Law?*, Jan. 13, 2016, <http://www.houstonmatters.org/segments/segment-b/2016/01/13/would-banning-guns-in-dorms-violate-the-new-campus-carry-law>
- January 2016 Matthew Watkins, *Texas Universities Likely to Allow Guns in Classrooms*, TEXAS TRIB., Jan. 10, 2016, <http://www.texastribune.org/2016/01/10/universities-consider-campus-carry-gun-free-classr/>
- November 2015 Houston Public Media, Nov. 11, 2015, Texas Universities Grapple with New Campus Carry Law, <http://www.houstonpublicmedia.org/articles/news/2015/11/11/126330/texas-universities-grapple-with-new-campus-carry-law/>
- November 2015 KHOU 11 News, University of Houston working on campus carry rules, Nov. 2, 2015, <http://www.khou.com/story/news/local/2015/11/02/university-of-houston-working-on-campus-carry-rules/75076354/>
- October 2015 Meagan Flynn, *TSU Officials Plan Campus Carry Roll-Out After 4 Shootings in 6 Weeks*, HOUSTONPRESS, Oct. 15, 2015, <http://www.houstonpress.com/news/tsu-officials-plan-campus-carry-roll-out-after-4-shootings-in-6-weeks-7850376>
- November 2014 Michael Brick, *Energy Leaders Quickly Challenge Denton's Fracturing Ban*, HOUSTON CHRON., Nov. 5, 2014
- October 2014 Nushin Huq, *Opponents Plan to File Lawsuits If Texas City Passes Measure to Ban Fracking*, WATER LAW & POLICY MONITOR (BNA), Oct. 23, 2014, <http://www.bna.com/opponents-plan-file-n17179907031/>

CURRICULUM VITAE FOR MARCILYNN A. BURKE

- October 2009 Patrick Reis, *Obama Admin Won't Back Tongass Land Exchange*, E&E DAILY, <http://www.eenews.net/eedaily/stories/83210/>
- June 2008 Fox News 26 Houston Morning News (commenting on U.S. Supreme Court's denial of certiorari of the appeal filed by environmentalists to require the Department of Homeland Security to observe environmental laws in the building of the border fence between Mexico and the United States, *Defenders of Wildlife v. Chertoff*, 527 F.Supp.2d 119 (D.D.C. 2007), *cert. denied*, 128 S. Ct. 2962 (2008))

HONORS AND GRANTS

- Lawyers of Color Power List Honoree (2020)
- Legal Education Leadership Award, National Black Pre-Law Conference (2019)
- Cougar Chairs Leadership Academy, University of Houston (2015)
- Faculty of the Year Award, UHLC Black Law Students Association (2013)
- "Scholar of the Week", Center for Law, Environment, Adaptation and Resources at the University of North Carolina School of Law (2013)
- University of Houston Law Center Summer Research Grant (2013 – 2014)
- University of Houston Law Center Summer Research Grant (2002 – 2009) (on leave 2009 – 2013 to serve in the Obama Administration)
- Rocky Mountain Mineral Law Foundation Grant (2008)
- University of Houston System New Faculty Research Program 2003 – 2004 Grant

PROFESSIONAL SERVICE AND ASSOCIATIONS

- Association of American Law Schools
- Membership Review Committee (2020 – 2023)
 - Section on Technology and Legal Education – Nominating Committee (2019 – 2021)
 - Section on Property Law – Executive Committee (2013 – 2015)
 - Section on Natural Resource Law – Executive Committee (2007 – 2008, 2014 – 2015), Chair-Elect (2009-10), Treasurer (2008-09)
 - Section on Real Estate Transactions – Executive Committee (2009 – 2010)
 - Section on New Law Professors – Executive Committee (2004 – 2005)
- American Bar Association (ABA) – Dispute Resolution; Environment, Energy & Resources; Real Property, Probate & Trust; and State & Local Government Law sections
- ABA Site Visit Team (Spring 2017, Spring 2019, Spring 2021)
- Bar Association of the District of Columbia (1996 – present)

CURRICULUM VITAE FOR MARCILYNN A. BURKE

Government Relations Committee (2018 – 2022)

Yale Law Women Summer Mentorship Program (2018 – present)

BAR ADMISSIONS

District of Columbia (1996)

New York State (1996)

COMMUNITY ACTIVITIES AND AFFILIATIONS

Avon Walk for Breast Cancer, raised over \$10,000 (2008, 2012)

Mayor's Office of Education Initiatives, After School Zones Mentor Program (2013)

St. John NW Church

Praise Team (choir)

Dfree (12 Steps to Financial Freedom) Facilitator (2021)

**University of Houston
LAW Center
Instructor/Course Evaluation
Fall 2013**

LAW 5408-17552-Berke-Mardynas		Relative Frequency						Instructor Section			College						
Property		Number of Responses	Strongly Agree (5)	Agree (4)	Neutral (3)	Disagree (2)	Strongly Disagree (1)	NA	Mean	SD	% Agree	% Disagree	N	Mean	SD	% Agree	% Disagree
Evaluate the Course																	
1. Relative to other Law courses, I have learned substantially more in this course.		21	19.0%	14.3%	52.4%	14.3%	0.0%	0	3.38	0.97	33.3%	14.3%	2636	3.92	0.97	0.0%	0.0%
2. This course will make me a better lawyer.		21	14.3%	42.9%	38.1%	4.8%	0.0%	0	3.67	0.80	57.1%	4.8%	2635	4.20	0.84	0.0%	0.0%
3. I would recommend this course to other students.		20	15.0%	5.0%	50.0%	15.0%	15.0%	0	2.90	1.21	20.0%	30.0%	2587	4.13	0.98	0.0%	0.0%
4. The reading and preparation required was extensive.		21	42.9%	14.3%	38.1%	4.8%	0.0%	0	3.95	1.02	57.1%	4.8%	2619	3.63	1.09	0.0%	0.0%
5. The subject matter of the course was difficult.		21	38.1%	38.1%	14.3%	9.5%	0.0%	0	4.05	0.97	76.2%	9.5%	2614	3.58	1.01	0.0%	0.0%
6. The approach in this class stressed:		Number of Responses	Case Law (5)	Statutory Law (4)	Policy questions (3)	Practical applications (2)	Combination of approaches (1)	NA					N				
		21	61.9%	Above average (4)	Average (3)	Below average (2)	33.3%	0			% Above Avg.	% Below Avg.				% Above Avg.	% Below Avg.
		Number of Responses	Outstanding (5)				Poor (1)		Mean	SD			N	Mean	SD		
		21	4.8%	23.8%	38.1%	19.0%	14.3%	0	2.86	1.11	28.6%	33.3%	2648	4.08	0.90	0.0%	0.0%
7. The overall quality of this course is:		Number of Responses	Strongly Agree (5)	Agree (4)	Neutral (3)	Disagree (2)	Strongly Disagree (1)	NA	Mean	SD	% Agree	% Disagree	N	Mean	SD	% Agree	% Disagree
		21	33.3%	28.6%	0.0%	28.6%	9.5%	0	3.48	1.47	61.9%	38.1%	2582	4.59	0.71	0.0%	0.0%
8. The instructor was well prepared.		Number of Responses	Outstanding (5)	Above average (4)	Average (3)	Below average (2)	Poor (1)		Mean	SD	% Above Avg.	% Below Avg.	N	Mean	SD	% Above Avg.	% Below Avg.
		20	10.0%	5.0%	50.0%	20.0%	15.0%	0	2.75	1.12	15.0%	35.0%	2635	4.44	0.86	0.0%	0.0%
9. The instructor's demonstration of respect for all students is:		Number of Responses	Strongly Agree (5)	Agree (4)	Neutral (3)	Disagree (2)	Strongly Disagree (1)	NA	Mean	SD	% Agree	% Disagree	N	Mean	SD	% Agree	% Disagree
		21	19.0%	14.3%	19.0%	28.6%	19.0%	0	2.86	1.42	33.3%	47.6%	2591	4.19	0.97	0.0%	0.0%
10. The instructor was effective in communicating information.		Number of Responses	Outstanding (5)	Above average (4)	Average (3)	Below average (2)	Poor (1)		Mean	SD	% Above Avg.	% Below Avg.	N	Mean	SD	% Above Avg.	% Below Avg.
		21	9.5%	23.8%	57.1%	0.0%	9.5%	0	3.24	1.00	33.3%	9.5%	2619	4.17	0.91	0.0%	0.0%
11. The instructor's availability for individual assistance is:		Number of Responses	None	1-2	3-4	5-6	more than 7	NA					N				
		20	35.0%	65.0%	0.0%	0.0%	0.0%	1					2515				
12. The instructor cancelled, missed, or rescheduled the following number of classes:		Number of Responses	Outstanding (5)	Above average (4)	Average (3)	Below average (2)	Poor (1)		Mean	SD	% Above Avg.	% Below Avg.	N	Mean	SD	% Above Avg.	% Below Avg.
		21	9.5%	19.0%	38.1%	14.3%	19.0%	0	2.86	1.24	28.6%	33.3%	2637	4.17	0.94	0.0%	0.0%
13. The overall teaching effectiveness of this instructor is:																	

**Agree = Strongly Agree + Agree. %Disagree = Strongly Disagree
 ***Above Avg. = Outstanding + Above Average. % Below Avg. = Below Average + Poor

**University of Houston
LAW Center
Instructor/Course Evaluation
Spring 2014**

LAW 5335-18697-Land Use		Relative Frequency							Instructor Section			College					
		Number of Responses	Strongly Agree (5)	Agree (4)	Neutral (3)	Disagree (2)	Strongly Disagree (1)	NA	Mean	SD	% Agree	% Disagree	N	Mean	SD	% Agree	% Disagree
<i>Burke, Meredith</i>																	
<i>Evaluate the Course</i>																	
1.	Relative to other Law courses, I have learned substantially more in this course.	14	7.1%	35.7%	50.0%	7.1%	0.0%	0	3.43	0.76	42.9%	7.1%	2493	3.93	1.05	71.8%	10.4%
2.	This course will make me a better lawyer.	14	14.3%	50.0%	21.4%	14.3%	0.0%	0	3.64	0.93	64.3%	14.3%	2489	4.16	0.91	81.5%	5.4%
3.	I would recommend this course to other students.	14	7.1%	42.9%	35.7%	7.1%	7.1%	0	3.36	1.01	50.0%	14.3%	2452	4.07	1.07	75.9%	9.3%
4.	The reading and preparation required was extensive.	14	28.6%	35.7%	28.6%	7.1%	0.0%	0	3.86	0.95	64.3%	7.1%	2470	3.49	1.13	52.4%	20.4%
5.	The subject matter of the course was difficult.	14	7.1%	21.4%	50.0%	21.4%	0.0%	0	3.14	0.86	28.6%	21.4%	2469	3.51	1.02	52.8%	16.8%
		Number of Responses	Case Law (5)	Statutory Law (4)	Policy questions (3)	Practical applications (2)	Combinations of approaches (1)	NA					N				
6.	The approach in this class stressed:	14	57.1%	0.0%	0.0%	0.0%	42.9%	0					2420				
		Number of Responses	Outstanding (5)	Above average (4)	Average (3)	Below average (2)	Poor (1)		Mean	SD	% Above Avg.	% Below Avg.	N	Mean	SD	% Above Avg.	% Below Avg.
7.	The overall quality of this course is:	14	7.1%	35.7%	57.1%	0.0%	0.0%	0	3.50	0.65	42.9%	0.0%	2487	4.04	1.00	73.7%	7.3%
		Number of Responses	Strongly Agree (5)	Agree (4)	Neutral (3)	Disagree (2)	Strongly Disagree (1)	NA	Mean	SD	% Agree	% Disagree	N	Mean	SD	% Agree	% Disagree
8.	The instructor was well prepared.	14	57.1%	35.7%	7.1%	0.0%	0.0%	0	4.50	0.65	92.9%	0.0%	2474	4.56	0.74	92.2%	2.7%
		Number of Responses	Outstanding average (5)	Above average (4)	Average (3)	Below average (2)	Poor (1)		Mean	SD	% Above Avg.	% Below Avg.	N	Mean	SD	% Above Avg.	% Below Avg.
9.	The instructor's demonstration of respect for all students is:	14	57.1%	28.6%	14.3%	0.0%	0.0%	0	4.43	0.76	85.7%	0.0%	2487	4.49	0.85	86.7%	3.7%
		Number of Responses	Strongly Agree (5)	Agree (4)	Neutral (3)	Disagree (2)	Strongly Disagree (1)	NA	Mean	SD	% Agree	% Disagree	N	Mean	SD	% Agree	% Disagree
10.	The instructor was effective in communicating information.	14	21.4%	35.7%	28.6%	14.3%	0.0%	0	3.64	1.01	57.1%	14.3%	2477	4.23	1.01	82.3%	8.1%
		Number of Responses	Outstanding average (5)	Above average (4)	Average (3)	Below average (2)	Poor (1)		Mean	SD	% Above Avg.	% Below Avg.	N	Mean	SD	% Above Avg.	% Below Avg.
11.	The instructor's availability for individual assistance is:	13	76.9%	7.7%	15.4%	0.0%	0.0%	0	4.62	0.77	84.6%	0.0%	2474	4.22	0.91	76.3%	3.3%
		Number of Responses	None	1-2	3-4	5-6	more than 7	NA					N				
12.	The instructor cancelled, missed, or rescheduled the following number of classes:	14	0.0%	85.7%	14.3%	0.0%	0.0%	0					2417				
		Number of Responses	Outstanding average (5)	Above average (4)	Average (3)	Below average (2)	Poor (1)		Mean	SD	% Above Avg.	% Below Avg.	N	Mean	SD	% Above Avg.	% Below Avg.
13.	The overall teaching effectiveness of this instructor is:	14	28.6%	21.4%	50.0%	0.0%	0.0%	0	3.79	0.89	50.0%	0.0%	2488	4.21	0.99	78.8%	6.8%

***%Agree = Strongly Agree + Agree. %Disagree = Strongly Disagree + Disagree
 ***% Above Avg. = Outstanding + Above Average. % Below Avg. = Below Average + Poor

**University of Houston
LAW Center
Instructor/Course Evaluation
Fall 2015**

LAW 7313-25763-Barba, Maribyna		Relative Frequency						Instructor Section			College						
		Number of Responses	Strongly Agree (5)	Agree (4)	Neutral (3)	Disagree (2)	Strongly Disagree (1)	NA	Mean	SD	% Agree	% Disagree	N	Mean	SD	% Agree	% Disagree
W76S: Federal Natural Resources																	
Evaluate the Course																	
1. Relative to other Law courses, I have learned substantially more in this course.		4	0.0%	50.0%	25.0%	25.0%	0.0%	0	3.25	0.96	50.0%	25.0%	1763	4.01	0.98	74.1%	7.9%
2. This course will make me a better lawyer.		4	25.0%	25.0%	25.0%	25.0%	0.0%	0	3.50	1.29	50.0%	25.0%	1756	4.29	0.85	85.2%	3.8%
3. I would recommend this course to other students		4	0.0%	100.0%	0.0%	0.0%	0.0%	0	4.00	0.00	100.0%	0.0%	1745	4.25	0.98	82.3%	6.9%
4. The reading and preparation required was extensive		4	25.0%	50.0%	0.0%	25.0%	0.0%	0	3.75	1.26	75.0%	25.0%	1756	3.58	1.15	53.4%	19.1%
5. The subject matter of the course was difficult		4	0.0%	75.0%	25.0%	0.0%	0.0%	0	3.75	0.50	75.0%	0.0%	1749	3.51	1.04	52.0%	16.9%
		Number of Responses	Case Law (5)	Statutory Law (4)	Policy questions (3)	Practical applications (2)	Combinations of approaches (1)	NA					N				
6. The approach in this class stressed		4	0.0%	0.0%	0.0%	25.0%	75.0%	0			% Above Avg.	% Below Avg.	1716			% Above Avg.	% Below Avg.
		Number of Responses	Outstanding (5)	Above average (4)	Average (3)	Below average (2)	Poor (1)		Mean	SD			N	Mean	SD		
7. The overall quality of this course is		4	25.0%	50.0%	25.0%	0.0%	0.0%	0	4.00	0.82	75.0%	0.0%	1761	4.21	0.92	80.1%	5.2%
Evaluate the Instructor																	
8. The instructor was well prepared.		4	75.0%	25.0%	0.0%	0.0%	0.0%	0	4.75	0.50	100.0%	0.0%	1754	4.66	0.66	94.2%	1.6%
		Number of Responses	Outstanding (5)	Above average (4)	Average (3)	Below average (2)	Poor (1)		Mean	SD	% Above Avg.	% Below Avg.	N	Mean	SD	% Above Avg.	% Below Avg.
9. The instructor's demonstration of respect for all students is		4	50.0%	50.0%	0.0%	0.0%	0.0%	0	4.50	0.58	100.0%	0.0%	1759	4.59	0.78	88.6%	2.3%
		Number of Responses	Strongly Agree (5)	Agree (4)	Neutral (3)	Disagree (2)	Strongly Disagree (1)	NA	Mean	SD	% Agree	% Disagree	N	Mean	SD	% Agree	% Disagree
10. The instructor was effective in communicating information		4	50.0%	50.0%	0.0%	0.0%	0.0%	0	4.50	0.58	100.0%	0.0%	1756	4.33	0.92	85.4%	5.5%
		Number of Responses	Outstanding (5)	Above average (4)	Average (3)	Below average (2)	Poor (1)		Mean	SD	% Above Avg.	% Below Avg.	N	Mean	SD	% Above Avg.	% Below Avg.
11. The instructor's availability for individual assistance is		4	25.0%	25.0%	50.0%	0.0%	0.0%	0	3.75	0.96	50.0%	0.0%	1755	4.29	0.88	79.2%	2.7%
		Number of Responses	None	1-2	3-4	5-6	more than 7	NA					N				
12. The instructor cancelled, missed, or rescheduled the following number of classes		4	25.0%	75.0%	0.0%	0.0%	0.0%	0					1731				
		Number of Responses	Outstanding (5)	Above average (4)	Average (3)	Below average (2)	Poor (1)		Mean	SD	% Above Avg.	% Below Avg.	N	Mean	SD	% Above Avg.	% Below Avg.
13. The overall teaching effectiveness of this instructor is		4	50.0%	25.0%	25.0%	0.0%	0.0%	0	4.25	0.96	75.0%	0.0%	1759	4.33	0.91	82.8%	4.5%

*%Agree = Strongly Agree + Agree %Disagree = Strongly Disagree
 **% Above Avg = Outstanding + Above Average. % Below Avg = Below Average + Poor

The article is light on the kind of analysis that general academic readers might look for. For example, Dean Burke criticizes the Trump administration's policies as "antithetical to the BLM's [*i.e.*, the Bureau of Land Management's] multiple-use mission," but she does not grapple with the question of how to give teeth to a mandate of "management on the basis of multiple-use." To support her point, she contrasts the Obama administration's goal "to restore the proper balance." with the Trump administration's emphasis on energy development. Also, many of the policies she describes are just that—nonbinding (in theory) policies, rather than regulations. In my experience, this is typical of the Department of Interior's approach to oil and gas program regulation (although my experience is mostly limited to offshore oil and gas). Dean Burke notes that one court ruled that one such policy was illegal because it was, in effect, a regulation promulgated in violation of the Administrative Procedure Act's requirements for notice and comment. It would be interesting to read an analysis of this and other deep-seated problems with BLM's programs under both administrations. But it is hardly fair to criticize an author for writing a valuable article (which was already 56 pages long) instead of the article I might have preferred to read.

In sum, this is a well-done and valuable article by a sophisticated expert in the field.

*She does say "With this mandate-known as the BLM's 'multiple-use mission'—no use is uniformly privileged over another." This statement is not sourced (and is not the statutory definition of 43 U.S.C. 1702(c)). But both Dean Burke's definition and the statute leave a lot of room for interpretation and discretion. In general, Dean Burke descriptions of "multiple use" rely on unpromulgated guidance (which, in theory is nonbinding), rather than statutes or regulations. *See, e.g.*, notes 23, 24, and 34. In footnote 239, however, she does cite the Federal Land Policy Act mandate "that management be on the basis of multiple use and sustained yield unless otherwise specified by law." 43 U.S.C. 1701(7).