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Environmental Law Faculty, 2012-2013

Günther Handl, Mark Davis, Amy Stein, Adam Babich, Colin Crawford, Oliver Houck, Mabelle Hall.
Shown separately: Elizabeth Calderon (top), Corinne VanDalen (center), Lisa Jordan (bottom)



TULANE ENVIRONMENTAL & ENERGY PROGRAM AT 40

Beginning with a single course at the advent of the first modern environmental laws, Tulane's E&E program has grown into one of the largest and most diverse in the nation. Nearly a third of all Tulane JD candidates will take at least one environmental or energy course during their studies here; between 25 and 30 of them will graduate with a certificate of specialization in the field. Beyond the curriculum, there are opportunities for engagement at all levels, diagrammed below.

This newsletter samples the recent agendas of activities. It also focuses on the careers of several international LLM graduates (last year we profiled US graduates), of whom we are very proud. With over 1,500 alums now, they are only reflectors of the larger body and its accomplishments.

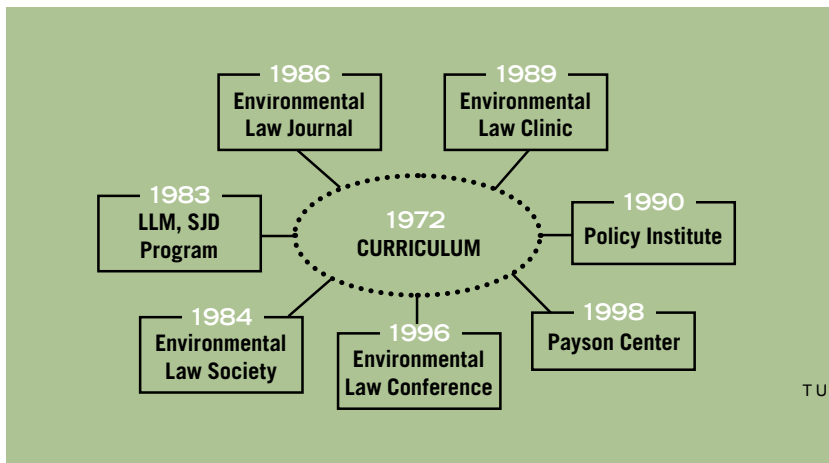
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ENVIRONMENTAL LAW CLINIC VENTURES INTO DEEP WATER

Events since the BP Deepwater Horizon disaster have repeatedly drawn Clinic clients and student-attorneys into the world of off-shore oil drilling. It is something of a through-the-looking-glass world: The US Department of the Interior has a history of issuing and revising drilling permits with essentially no public notice, sometimes only weeks—or hours—after submission of the applications. Post-BP, there is a lot of talk about “lessons learned.” But the more our clients and students examine this corner of reality, the more they question whether we are gathering the information needed to drill safely. In terms of the Clinic's current docket, this proposition is best exemplified by the case of Apalachicola Riverkeeper v. Taylor Energy Company, L.L.C., No. 12-337 (E.D. La), in which our clients allege that an off-shore oil leak violates the Clean Water Act.

Here are the basic facts: Back on September 15, 2004, Hurricane Ivan triggered an underwater mudslide in the Gulf of Mexico's Mississippi Canyon Lease Block 20. That mudslide destroyed a drilling platform about 11 miles offshore and buried up to 28 underwater oil wells under more than 100 feet of mud. Since that time, the wells

Continued on pg 3



TELS

FALL 2012 CALENDAR

SEPTEMBER 10

First planning meeting, E&E Summit

SEPTEMBER 16

Canoe trip on the Wolf River

SEPTEMBER 25

Maritime environmental lecture

OCTOBER 5

Day hike in Barataria Preserve

OCTOBER 21

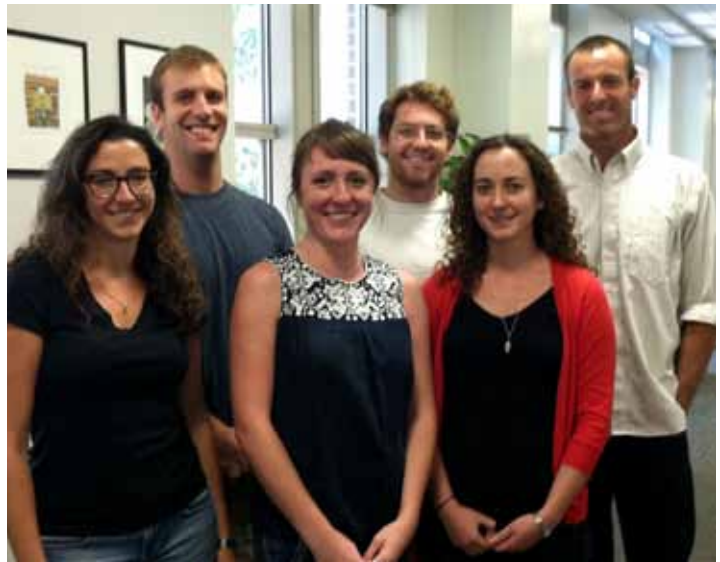
Environmental dessert competition at
Professor Houck's house

OCTOBER 27

Volunteer day with Bayou Rebirth's
wetlands restoration program

NOVEMBER 10

Bike ride to Lake Pontchartrain (and back)



TELS Officers, 2012-13

L – R: Renee Orenstein, Brett Korte, Allison Parks, Harry Vorhoff,
Laura Cottingham, Ben Fuchs

Environmental Summit Chairs, 2013

Summit Chair: Brett Korte

Finance: Allison Parks

Speakers: Harry Vorhoff

Outreach: Chris Valletta

Travel: Marina Knize

Logistics: Catherine Maness

CLE: Shannon Derksen



SUMMIT 2013

The 18th Annual Tulane Law School Summit on Environmental Law and Policy is scheduled for February 22nd & 23rd, 2013. This weekend-long event is a nationwide, and entirely student-run, public interest conference drawing corporate, private, and public interest lawyers, scientists, community activists, and interested citizens to discuss a wide range of topics, all new, none easy. The concurrent CLE-accredited panels are free for students, faculty, and members of public interest organizations. Further information will be posted on the TELS's Summit website.



Tulane Environmental Law Clinic

Program at 40

Continued from front cover

CURRICULUM: Started with a single course in 1972, now 22 courses in 2012-13 with a broad range of public and private law

ENVIRONMENTAL LAW CLINIC: Started in 1989 with six students and one supervisor, now 25 students operating year-round under a faculty Director, four Attorney Supervisors and one Outreach Coordinator.

ENVIRONMENTAL LAW JOURNAL: Started in 1986, now publishing two issues yearly and supplemental issues on selected topics (e.g., Fisheries, Cuba, Energy), currently 24 student editors and members.

WATER INSTITUTE: Started as Environmental Policy Institute in 1990 with focus on Louisiana and Cuba, became the Institute on Water Resources Law & Policy in 2007.

PAYSON CENTER: Started in 1998, incorporated into law school as Payson Center for International Development in 2007 with 101 students in 2012-13 and faculty Director, current programs in US, Brazil, Panama, and Cuba.

LLM AND SJD PROGRAMS: Started in 1983 and averaging ten candidates per year, roughly half of them international.

ENVIRONMENTAL LAW SOCIETY: Started in 1984, currently 70 active members.

ENVIRONMENTAL LAW SUMMIT: Started in 1996 and presented each Spring, student-organized and -directed.

Clinic Ventures

Continued from front cover

have been consistently leaking oil into the Gulf, largely under the public's radar. The leak garnered some press in 2010, when people tracking the BP spill noticed a second sheen. But by and large, the government and the wells' owner have successfully kept information about efforts to stop the leak secret, to the point that whatever plans and timelines may be driving a response are unavailable to the public.

As organizations with members that rely on the Gulf of Mexico for work and recreation, Clinic clients are primarily interested in stopping the leak. But this ongoing contamination of the Gulf raises other questions that seem appropriate for public discussion. Given, for example, that for eight years we have been unable to stop this leak in relatively shallow water (about 455 feet, as opposed to the approximately 5000-foot water depth at the Macondo well), what would happen if a similar scenario caused leaks at BP-style deep-water and high-pressure wells? In other words, why does it take more than seven years to stop an oil leak? Is the problem lack of technology or of motivation? Do we really want operators and the government to conduct their responses to offshore oil leaks in secret? The answers may affect deepwater drilling nationwide.

FROM THE DOCKET

Appeals Court Clarifies Deadlines for Offshore Drilling Permits: On May 22, 2012, the U.S. Court of Appeals for the Fifth Circuit dismissed an appeal by environmental groups of a district court order about the thirty-day timeframe for U.S. Department

of Interior (DOI) decisions on permit applications for offshore drilling under the Outer Continental Shelf Lands Act (OCSLA). But the Fifth Circuit clarified, "the amended judgment does not prevent the Government or the intervenors from arguing that a thirty-day time frame would be unreasonable in a future case." TELC represented the Sierra Club and the Center for Biological Diversity in the Appeal.

Appeals Court Reverses Dismissal of Clean Water Act Citizen Suit:

On April 17, 2012, the U.S. Court of Appeals for the Fifth Circuit reversed a district court's dismissal of a Louisiana Environmental Action Network (LEAN) citizen suit seeking compliance with the Clean Water Act at three Baton Rouge sewage treatment plants. The Court rejected the district court's finding that a 2002 consent decree mooted the citizen enforcement action, noting allegations that the government had failed to collect stipulated penalties. The Court also ruled that the "diligent prosecution" bar is not a "jurisdictional" limitation on citizen suits and that the district court must therefore accept all well-pleaded facts in the complaint as true, and in the light most favorable to LEAN.

MDEQ Withdraws Flawed Total Maximum Daily Load Proposal for the Pearl River: On February 27, 2012, the Mississippi Department of Environmental Quality (MDEQ) notified TELC of its withdrawal of a proposed Total Maximum Daily Load (TMDL) for a segment of the Pearl River near Jackson. On behalf of the Gulf Restoration Network, TELC had submitted comments and an expert affidavit to MDEQ and EPA objecting to the proposed TMDL's methodology and reasoning. MDEQ's proposed TMDL would have allowed the City of Jackson to increase pollutant discharges from its wastewater treatment plant into this segment of the River.

EPA Disapproves Louisiana's Failure to List the Gulf of Mexico as Impaired: On October 6, 2011, EPA issued a final decision placing the nearshore waters of the Gulf of Mexico on Louisiana's 2008 Clean Water Act Section 303(d) Impaired Waters list as impaired

for Dissolved Oxygen, and disapproving Louisiana's failure to do so. The decision responded to the TELC's letter to the EPA, on behalf of the Gulf Restoration Network, requesting that the EPA disapprove Louisiana's failure to list these water bodies. GRN's request focused on the Gulf Dead Zone as clear evidence of dissolved oxygen impairment. EPA also ordered that Louisiana establish a TMDL for dissolved oxygen in the Gulf.

Plaquemines Parish Denies Permit for Landfill Expansion: On September 21, 2011, the Plaquemines Parish Council rejected Industrial Pipe Inc.'s request for a coastal use permit to expand its Oakville landfill. The New Orleans Times-Picayune noted the day after the Council's action that this landfill "has been profiled around the nation as an example of environmental racism, as the dump was allowed to open in a majority-black neighborhood without proper permits or controls, according to court documents." TELC has intervened on the side of Plaquemines in the appeal.

Wetlands Destruction Case Settled: On August 23, 2011, the U.S. District Court for the Southern District of Mississippi entered a consent judgment in a Clean Water Act citizen suit over destruction of wetlands and unpermitted stormwater discharges near Bay St. Louis, Mississippi. The defendant agreed to (1) donate a portion of the disturbed property to a land trust; (2) fund wetlands restoration on the donated property; and (3) pay \$95,000 in civil penalties to the U.S. government.

HISTORIAN KEYNOTES 2012 SUMMIT: WELCOME TO THE ANTHROPOCENE



Charles Mann

Charles Mann, author of several books on human and natural history, keynoted Tulane's E&E Summit this Spring with a discourse on his recent book, *1493*. The book documents the saga of globalization triggered by the arrival of Columbus to the New World. From then on, our worlds began to ricochet off of each other like atoms in a reactor: silver to Japan, potatoes to Europe and then China, no end of silks, fine furniture, slaves and diseases in return. Native crops wink out, local wildlife, languages, and cultures wink out as well, there is less and less of the planet that we do not dominate, largely for commerce, and it seems, to Mann, irresistible. His was a powerful, if somewhat stark, message. Yet Mann tried to put a positive face on what he and others have come to call the era of the humans, the anthropocene.

Picking up on the theme, Peter Kareiva, the President of the Nature Conservancy, which has built its reputation and success on purchasing wild places, shocked the environmental establishment with a new, co-authored book called, *Conservation in the Anthropocene*. Kareiva, et al. begin with the proposition that in the anthropocene, nature no longer exists in a natural state, it has been manipulated in some cases for centuries, and attempts to preserve it are misguided. The authors argue that change is inevitable, it is happening, its threats to things like the polar bear and fisheries are greatly exaggerated, misinformed really, and that it is time to get with the program. Asked for a response, Kieran

Suckling, Director of the BioDiversity Legal Foundation which has taken a lead role in endangered species protection, replied that saving wild places has continuing value, that accepting their development leads to their demise, and that the threats to these places and to the wildlife that inhabit them are quite real. Indeed, urgent. For further on this dialogue, see Oliver A. Houck, *Welcome to the Anthropocene: The Future of Environmental Law and Policy*, The Environmental Forum, July/August 2012.

Reflecting on the dialogue, the environmental movement has always been broad and inclusive enough to contain active proponents of both protection and compromise. Environmental lawyers often find themselves playing both roles. The diversity among environmental groups is astonishingly high, indeed higher than any other interest sector that comes to mind: The Nature Conservancy buys real estate with corporate donations, Defenders of Wildlife sues corporations for endangering wildlife, Natural Resources Defense Council prods EPA forward on pollution controls, Environmental Defense Fund pioneers market solutions, Greenpeace uses the media, the Ocean Conservancy treats sustainable fisheries, yet others do plastic bans, urban planning, and climate change...and so it goes. Like examining a jungle, we find dozens of niches with thriving populations, some of them a hundred feet in the air. All are important to the whole. It seems quite proper for any group to pursue any reasonable strategy, they all contribute. It seems more questionable to call down another group for not following the one true way. After all, if no one sued US corporations for environmental compliance, fewer might be motivated to recoup public credits by contributing to the Conservancy. We are in this together.



Payson in Panama, January 2012

PAYSON CENTER EXPANDS SOUTH AND EAST

The Payson Center for International Development, already working in Brazil and Panama, extended its reach to Cuba, Africa, and Asia as well.

In March, Tulane again sponsored the Moot Court in Law and Sustainable Development in cooperation with Rio's Fundação Getulio Vargas Law School and Bogota, Colombia's University of the Andes Law School. This year we had 21 teams from five countries; a Colombian team again walked away with top honors. The competition, now in its second year, provides competitors the opportunity to write and argue in their native language, with simultaneous translation provided courtesy of the US Embassy. Says Professor Crawford, "it sometimes feels as if we really are at the Inter-American Court of Human Rights with all of the language and cultural differences on display."

In June, Crawford also led the Rio summer program for its seventh successful year (the past two through Tulane), with 39 students choosing from among eight different courses that all deal with the theme of sustainable development, broadly defined. Following the coursework, Professor Crawford led a group of eight on a three-day field trip in the Atlantic Rainforest which boasts greater biodiversity and more varied terrain than its better known neighbor, the Amazon Rainforest, and is one of the most threatened ecosystems in the world. The Rio

course occurred during the United Nations' "Rio +20" conference on Sustainable Development, giving students the chance to attend some of those events, too, including a day-long "conference of world environmental lawyers" at which Crawford and others spoke.

During the winter intersession, Professor Crawford took 21 Tulane Law students to Panama to study urban change and development. The course included a private guided tour of the new, Frank Gehry-designed Museum of Biodiversity (still under construction), the staging area for the new Panama Canal locks, and a day-long visit to Canal watershed management programs. Students spent another day deep in the forest with Emberá and Kuna indigenous people, learning their challenges.

In Spring 2013, another field course will take students to Havana, Cuba, to study the opening of property markets and the pressures that will create on the physical and built environment.



Payson in Rio, Summer 2012

In July, the Payson Center took students to Shanghai, China, where they studied the challenges of rapid urbanization on the physical and built environment. The summer course, taught by two US-trained Chinese nationals at East China Normal University, presented a birds'-eye view of the pressures on the environment in the world's largest city.

In Africa, Payson offered courses on eco-tourism and forced migrations in Nairobi, Kenya. In East Africa, Payson researchers brought to fruition a four-year project on forced child labor in the cocoa sector. The innovative project brought together all stakeholders in the cocoa sector (corporate producers, small growers, transporters) to implement new guidelines to reduce forced child labor. Sponsored by the US Department of Labor, the project attracted enough attention to crash Payson servers on more than one occasion.

It is no surprise, then, that Payson continues to grow. The joint JD/MS went from three to five students. The MS program itself has 45 students in progress, of which 16 newly enrolled this Fall. There are 51 PhD students at some stage of their research and 169 undergraduates studying International Development, of which 139 are coordinate majors and 25 are minors. We are thriving.

INTERNATIONAL ALUMNI PROFILES

Green Leadership Around the World

Plan Grenelle

Véronique Lagarde, LLM 1993

Paris, France



I attended Tulane's LLM program in 1992-1993 and was at first stunned by the subjects covered: asbestos cases (totally unheard of in France in the 90s), toxic torts litigation and other class actions (still almost unknown in France), remediation actions and extensive liabilities under CERCLA (we have much to learn on this one too). I realized that we were living in the "middle ages" of environmental law at the time.

Returning to Paris, I was hired by a business law firm and managed to keep working on environmental issues, but mostly for the commercial clients who were trying to avoid clean-up responsibilities. This exposure had a silver lining, however, as it introduced me to the real estate world. While working with a major developer, my life changed. Contractors, architects, developers, and – to some extent – real estate investors were more "human" to me and more interesting to work with. I started handling real investment transactions for Lefevre Pelletier, a full service firm with a 40-lawyer real estate team and, in 2008, became full partner.

In October 2007, French president Nicolas Sarkozy launched a forum on environmental issues called the "Grenelle de l'Environnement". A think tank dedicated to the improvement of energy

performance of buildings was led by Philippe Pelletier, founding partner of my law firm. My "green building" adventure had begun. Our proposals gave rise to the so-called "Grenelle 1" law, enacted in 2009, which set the maximum energy consumption for new offices and commercial buildings at 50 KW/square metre/year (while the average was 250 KW/square metre), aimed to reduce energy consumption in existing buildings by 38% by the year 2020.

Between 2009 and 2012, the French government formed "Plan Bâtiment Grenelle", headed again by Pelletier, which proposed hundreds of measures to implement Grenelle 1. I participated again, and what happened there was impressive: Contrary to what I expected, most large developers and investors seized the opportunity to change their practices. In 2007, it was predicted that the 50KW/square metre target would raise construction costs by at least 25%. By 2011, however, all developers were ready to build 50KW/square metre buildings at almost no additional costs.

Of all the targets, the "38% energy consumption reduction" for existing buildings by year 2020 was the trickiest to implement: Who was going to bear the costs? Again to my surprise, real estate owners and end-users managed to agree on balanced and smart proposals, which were proposed to the government in December 2011. In September of this year, President Hollande will launch a new forum on all environmental issues... called the "Environmental Conference". One of its primary targets is to keep energy costs low and to achieve yet more energy consumption reduction. The adventure continues... ^!

GREEN ADVOCATES

Alfred Brownell, LLM 2002

Monrovia, Liberia



Alfred Brownell is the Co-Founder and Senior Campaigner of the Association of Environmental Lawyers of Liberia (Green Advocates). While a law student at the University of Liberia, he and his colleagues succeeded in promoting Liberia's first framework environmental law. Between 2000 to 2003, Green Advocates helped win UN Security Council sanctions on Liberia's timber exports and a UN travel ban and asset freeze on corrupt government officials and business partners of former president Charles Taylor, now on trial for crimes against humanity at The Hague. The personal risks involved were, obviously, significant. Brownell is leading other groups in calling for a halt to slave and child labor at Bridgestone/Firestone rubber plantation. His work led to election of the first independent workers union, replacing eight decades of a management-controlled union, as well as the filing of an Alien Tort Act complaint against Bridgestone/Firestone in the United States. He was also successful in delaying the expansion of a multinational rubber plantation owned by SOLFINCO/Liberia Agriculture Company, until the company could dialogue with local communities and meet impact assessment requirements.

To generate increased public pressure for reform, Green Advocates founded three national networks, the Publish

Brownell in Action

For a closer glimpse of Brownell in action, we provide the accompanying sidebar, taken from a recent news report:

“The Key campaigner of Green Advocates, Cllr. Alfred Brownell has threatened a lawsuit against the government for allowing Sime Darby, an oil palm production company to operate in Cape Mount and Bomi Counties in violation of the citizens’ rights under the constitution of Liberia.

Cllr. Brownell said in an exclusive interview with this paper that the Executive branch of government is practicing massive human rights violations against the inhabitants of the two counties by authorizing Sime Darby to force dwellers from their homes.

“It is a gross violation of the Liberia Constitution which protects the rights to property; it also includes customary rights as well. As a little boy who grew up in the village, our people had no deeds to make farms and build their homes. They did not need deeds to gather herbs, make farm, and hunt and fetch water.” “The rights upon which they gather those resources was customary, which is a legitimate property rights under the constitution of Liberia. How could the government of Liberia extinguish those rights from the people?”

Describing what he called unjust treatment Mr. Brownell said it is a serious crime for the government of Liberia to starve the people by destroying their farms and cultural heritage with bull dozers.

Angry and frustrated, Cllr. Brownell raged as he exclaimed: “Enough is enough; the government of Liberia has to know that you match development with sustainability. The investment of Sime Darby is not sustainable if it is going to destroy the livelihood of our people. You cannot bring a 3.1 billion dollar company to invest and after investment, the people die. So we have to find a way to stop that.”

What You Pay Liberia coalition, the Civil Society Budget Watch Network, and the Alliance for Rural Democracy “to press for transparency and accountability in the management of Liberia’s economy and natural resources. The Publish What You Pay Liberia Coalition successfully campaigned for Liberia’s entry into the Extractive Industry Transparency Initiatives (EITI). Brownell further campaigned for Liberia to be the first country to pilot forestry and agriculture under the EITI, which had only focused on oil, gas and mining.

Brownell is also a founding and active member of the Kimberly Process Civil Society Coalition, and a participant in its Review Mission to Zimbabwe that investigated the illicit activities in the Zimbabwean Marange diamond mines as well as associated human rights abuses, establishing that Zimbabwe had not met the Kimberly Process minimum requirements.

MODEL CITY

Gerardo Arteaga, LLM 1997
San Miguel de Allende, Mexico



I received a law degree from Universidad Iberoamericana in Mexico City in 1992 and my LLM at Tulane University in 1997, where I was elected President of the foreign law student’s association. Our rented house near the law school became a little United Nations for colleagues from Croatia, Japan, and other parts of the world, which helped broaden my vision.

I was working for a law firm in Mexico City, specializing in environmental law, when in 2003 I was asked to join the political staff of a candidate for mayor of San Miguel de Allende. Although my candidate did not win, I

was invited by the new mayor (currently a party leader in the Mexican House of Deputies) to become his environmental director. We launched a three-year project to construct a municipal water treatment facility, a new waste treatment plant facility, and improvements for public parks and open spaces, and first-ever enforcement of the city environmental codes. We developed an environmental education program that led to a book that is now part of the elementary school curriculum of the city. A major victory during my term was the declaration of an environmental protected zone of 45 hectares within a very valuable (in economic and ecological terms) urban area of San Miguel.

Using the principle of “those who pollute must pay”, we also proposed a new “green tax” for waste generators and a tax incentive for those who reduce waste discharges. This proposal was very polemical and subjected to legal challenge in the state congress and courts, but finally approved. The approach is now used by many other municipalities in Mexico. In 2008, San Miguel was designated a World Heritage site by UNESCO.

In January 2006, I was invited to run for city council. I was appointed Chairman of the Urban Development and Public Works Committee and Deputy Chairman on the Ecology, Tourism and Education Committee. That November, we presented a new municipal regulation on environmental protection through the so called “Fondo Verde” (Green Fund), to generate economical and material resources for a better environment. The Green Fund has been so successful that many cities in Mexico have adopted similar regulations. Even Mexican President Calderon is now promoting it at an international level.

After the defeat of my party in 2009, I have been working as independent counsel, political activist, historic preservationist, board member of several NGOs, and an entrepreneur. I now have my own restaurant, as well. It is a full life, full of challenges, and I am happy to have been able to promote a greener world.

GREEN ENERGY

Hiroshi Kobayashi, LLM 2005

Nagasaki, Japan



I am currently an Associate Professor of Law at Nagasaki University, where I have been researching and teaching Environmental and Civil Law since 2008. I have wanted to be in this field since I was a boy visiting my grandparents in Nagano Prefecture, an area that is rich with nature, high mountains, and hot springs (the Winter Olympics were held here in 1998). When I was a law student at Keio University, I took a class in physics and our professor talked with us about environmental problems, showing photos including oil-soaked sea birds. I began thinking about treating these issues with law.

Before coming to Tulane, I worked for several private law firms in Tokyo, and handled a few environmental cases, but they were not sufficient to satisfy me. During my Tulane LLM studies, I decided to become a scholar in this field, and, while back in practice, received an offer from Nagasaki University. It is an ideal position. I can study many issues at a time, teach them, and learn by teaching as well. I have become particularly involved in issues relating to marine pollution, which is considerable in Japan, and have published papers on Marine Pollution by Radioactive Substances, Oil Pollution Damage by Non-Tanker Vessels, and Japan's experience in oil damage cases under the International Compensation System. I have more recently become interested in geothermal power, which has strong potential here as well. I am currently looking for opportunities to study the US experience with geothermal energy,

focused for the moment on California. Dealing with oil damages is important, but an after-the-fact approach. I hope to contribute to the development of renewable alternatives. As a final note, let me share my happiness that I will be married in Nagasaki this September. I am busy and blessed, and I am grateful to Tulane for giving me the ability to go in these professional directions.

SIEL SIEL

Marietta Lizano, LLM 1988

San Jose, Costa Rica



I was born and raised in one of the most biologically diverse corners of the world, Costa Rica. I became part of that world at an early age and it has become a part of me. Fortunately, our country has been aware of these resources for a long time and, despite many challenges, we have developed an ethic towards protecting them.

After earning my LLM at Tulane, I became an Audit Leader for the international standards program under ISO 14001. I then served for several years as legal advisor to the Minister of Natural Resources and then to the Tourism and Foreign Trade Ministry. While the issues of resource development were varied and numerous, the most difficult involved the pressures of industrial tourism on our coasts, particularly the beaches which front both the Caribbean to the east and the Pacific to the west. Keeping large hotel chains in scale with our communities and the surrounding environment (and back from the sand) has been a constant tension. At one critical point, I was honored to take our President scuba diving, to show him the extraordinary underwater resources at issue. At other times I would take government officials to witness the miracle

of sea turtles coming ashore to lay their eggs, and weeks later, the little ones emerging to scramble back to the water.

Fifteen years ago I left government service to establish a consulting group called Siel Siel. For the first time in the history of Costa Rica, an environmental firm was owned and directed by women; for the first time also it combined technical and legal assistance under the same roof. Siel Siel has given me the opportunity to promote sustainability through private and corporate initiatives, and to work more systematically with environmental audit initiatives, both national and international. At the moment, carbon inventories are among the most challenging tasks. Most recently, Siel Siel launched a project to develop energy from pineapple wastes, which may work a quality change on agrarian production in the tropics and reduce their waste discharges. We are also working on creating a wildlife reserve in a region where none exist; it is a true need.

On the personal side, I enjoy surfing and practicing yoga and meditation, often with my 23-year-old son (who is a very good soccer player too). I am also learning about alternative medicines. There is so much to do, and so much of it is enjoyable and good.

GREEN EUROPE

Robert Seelig, LLM 1998

Heidelberg, Germany



I was born and grew up in Germany and graduated from law school at Heidelberg University in 1994, where I developed an interest in environmental law. After a two-year clerkship with the German government, I decided to participate in the Tulane LLM program and served as a research assistant to Professor Handl, which prepared me for

the legal work I am doing now.

In 2000, I started my own Heidelberg-based law firm specializing in environmental and consumer law. As an environmental consultant, I have worked in 27 countries advising ministries in a range of issues. My principal clients are the European Union and the World Bank. Much of the time, I am advising ministries of EU-accession candidates and countries in Europe, Asia, and North Africa with EU-financed projects (PHARE, TACIS, CARDS) on how to comply with the so-called EU *acquis communautaire*. A typical EU approximation project consists of assisting in the transposition and implementation of EU environmental law in a candidate country, the analysis of existing legislation and the drafting of laws, bylaws, and regulations.

Institutional issues are frequently at stake as well. How can a poorly-equipped, one-person “Water Police” in a country like Morocco control compliance with its laws? How can we burden this individual with yet more responsibilities? Sometimes the only realistic advice is to start with a simple framework but proper enforcement. This aspect cannot be underestimated, as every country has its own legal culture as well as greatly varying institutional setups. Quite understandably, therefore, the EU and the WB require their experts to be present a minimum of 90% of the awarded man/days in the beneficiary country. Deskwork from my Heidelberg office is thus rare when it comes to legal approximation projects.

My work in recent years has reached into water quality improvement in Bangladesh, hazardous substances legislation in Turkey, and integrated permitting for large installations in Balkan countries and China. For every project, a new project team is assembled. Working with engineers, teachers, scientists, economists, and other experts from a variety of different backgrounds has proven to be a rewarding experience for me, which I would now hate to have missed. Again, I would like to thank Tulane for opening my mind to these opportunities.

THE RIGHTS OF NATURE

Francisco Bustamante, LLM, 2008
Quito, Ecuador



I have just begun my career as an environmental law consultant, after several years working for environmental NGOs and governmental agencies. In addition, since 2008 I’ve been teaching environmental law at the International University of Ecuador, and I have been asked this semester to teach environmental law for the Faculty of Biology as well.

For the previous two years, I had the opportunity to work for the Ecuadorian Ministry of Environment on a reparation process for environmental and social harms. Our program was called PRAS (Programa de Reparación Ambiental y Social), and it gave me the best experience in my professional life so far because I got to know the environmental and social realities of my country, especially of local communities settled in the Ecuadorian Amazonia. My job was to develop and propose a framework for these damages, especially those harms that occurred 20 to 30 years ago and have not been addressed either by the State or the persons (and corporations) that generated the damage (for example, Texaco/Chevron). I was also asked to provide counsel on these issues to the Minister of the Environment and other national authorities.

I undertook an even more difficult task, trying to flesh out the rights of nature established in our new Constitution (considered to be one of the greenest legal instruments on earth). It was hard work that demanded constant “battles” against traditional civil law positions that cannot see nature as another subject of rights ... a place deserved only for the human race, as they said.

Another satisfactory activity consisted of organizing legal workshops

around the country for public criminal prosecutors regarding environmental offenses, in order to lower the rate of environmental crimes without final judgment. It produced good early results, and received positive commentaries from governmental authorities.

Now, I am on my own as an environmental law consultant. I would like to teach, write and participate in forums in order to let people from around the world know the legal advances and new doctrine that is being developed here in Ecuador, a small and poor country that has decided to recognize the legal rights of nature and to give them real value, a large step forward for us all.

GREEN PHILIPPINES

Galahad R. A. Pe Benito, LLM 2003
Manila, Philippines



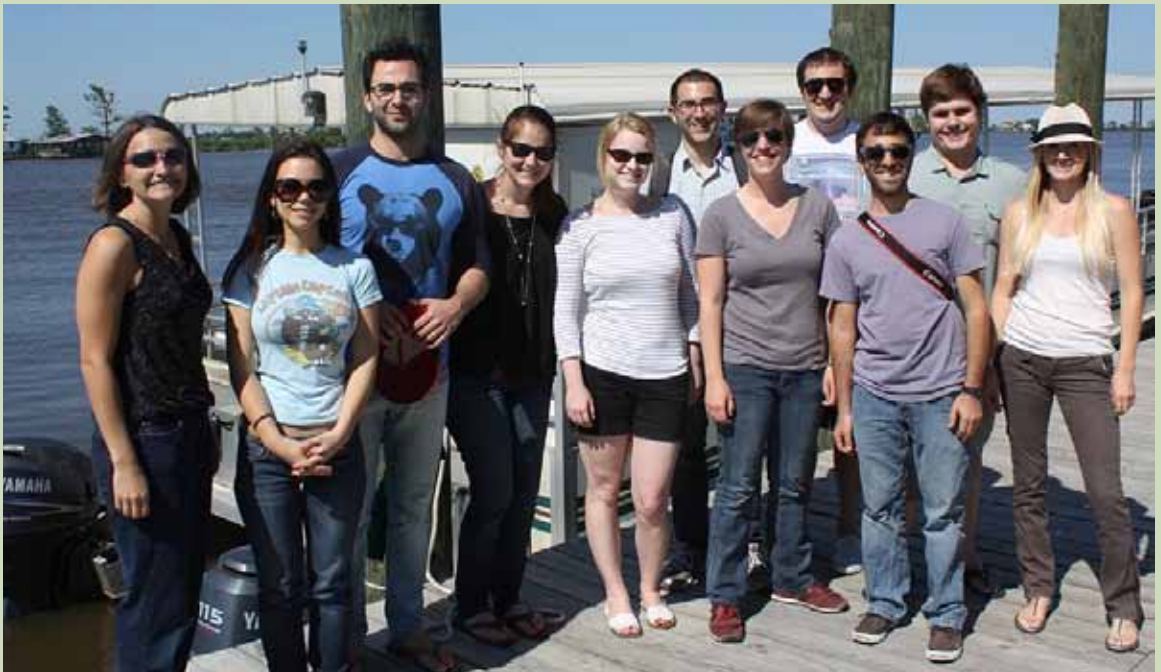
As I was graduating from the Tulane LLM program, Professors Houck & Dannenmaier advised me to return to the Philippines and take part in environmental protection efforts here. I took their advice seriously, and I am enjoying every moment of what I am doing now. Suing and challenging government agencies and polluters with lawsuits, as well as representing environmental causes, are regular fare in my line of work. We have successfully (but not always) opposed destructive dams, oil depots, illegal mining activities, coal power plants, and GMOs while pushing for the clean-up of scenic Taal Lake, advocated the 3Rs in solid waste management, and blocked the cutting of old-grown forest.

I also teach environmental law at FEU-Institute of Law and lecture before lawyers for their continuing legal education. I enjoy being able to open

DOWN BY



Pearl River 2012



Turtle Cove 2011

THE RIVER



Wolf River 2012



TELS Pyramid 2012

young people's minds on how they can change the world by strictly enforcing environmental laws. For me, teaching is the most powerful medium in effective societal change.

I have authored two books on environmental law. They concern the Philippines' Clean Air Act, Clean Water Act, Solid Waste Act, and Environmental Impact Statement System. We have a dearth of environmental law books so I consider my two to be an offering to the jurisprudence of the Philippines.

My work has given me the opportunity to work with some special people in the field of environmental law. First and foremost is Oliver Houck's amigo Antonio Oposa, who is the environmental law pioneer of the Philippines and lead attorney in *Minors Oposa v. Factoran*. Under his inspiration, we organized the Global Legal Action on Climate Change ("GLACC") with the objective of forcing government authorities to do their duties under laws affecting the climate and the contaminants that are altering it. There is no escape here from the issue. In terms of impact, we are at Ground Zero.

Lastly, it may delight you in New Orleans to know that Team Tulane in the Philippines is very much alive. We, all students from different years, consisting of (MMDA Chair) Secretary Francis Tolentino, Alu Dorotan, and I, have collaborated in several environmental causes. We share a common bond emanating from our Tulane education and from our shared experience in that beautiful city. Truth to tell, we miss NOLA a good deal.

GREENING INDUSTRY

Lina Uribe García, LLM 2004
Bogotá, Columbia



My passion for the environment started when I was in law school, although at the time, 1996, environmental law in Colombia was in diapers. It was 1996 and there were no classes whatsoever concerning natural resources, except for the development of oil and gas. There were no teachers or specialists that I knew of who were even remotely interested in environmental law. In 1997, I started to work for the law firm of Gómez-Pinzón Zuleta and I learned with excitement about one of the first specializations in Environmental Law in the country at the Universidad del Rosario. I enrolled immediately. Some of my colleagues told me it would be more useful to study to be a chef than an environmental lawyer. I assured them it was the practice of the future. When I arrived to Tulane in 2003 to obtain my LLM in the field, a new world opened for me.

By the time I returned to Colombia, we had in place a green Constitution with future generation rights giving supremacy to the environment, and a national environmental regulatory system under the Ministry of Environment and local environmental authorities. But that is where most of it ended. What we lacked was enforcement, both from the authorities and from concerned citizens. Individuals and NGOs initiated environmental actions under constitutional provisions, the *amparo* and *tutela*, however, and met with success.

I have since witnessed the slow development of environmental

practice, hand-in-hand with increased enforcement by the authorities, the courts, NGOs, and private citizens. This development has in turn, caught the attention of mining and oil and gas companies and foreign investors concerned about compliance and compliance problems. For over six years, I have been directing the environmental practice of Gómez-Pinzón, representing our clients in transactions, litigation, and compliance. I was named a firm partner in 2011. I am glad that, due to the rise of the environmental practice in my country, I am able to combine my two passions: the environment and the law.

RIOS CON VIDA

Pedro Brufao, LLM 1998
Caceres, Spain



It's been a long time since I left the Tulane Law School, after having attended the Environmental & Energy program on a Fulbright scholarship, which, I must say, was the best academic training I will ever receive.

In these fourteen years following, I managed to get a Ph.D. degree in Administrative Law at the Universidad Carlos III de Madrid, and to become Deputy Professor of this subject at the University of Extremadura. As you may know, there are always more fish to fry than those found in academic waters, so at the same time I have taken advantage of every opportunity to work outside the university on environmental issues. I helped found the Spanish branch of the WWF and other civil society groups such as "Ríos con Vida" (Rivers with Life) and the New Water Culture Foundation. At this moment, I am involved in a very interesting project on groundwater overexploitation and wetlands

protection in which I deal with science, law, and economics on a daily basis, with some of the best researchers in these disciplines. The main thrust of my work has been water, rivers that are healthy and that we set free.

Following the “publish or perish” principle, I have also written many books and articles, which in my case have run from farm and other “perverse” subsidies to coastal law, hydropower reform, noise, fisheries, endangered species, dam removal, conservation easements, wild and scenic rivers, chemical products, water law, alien species, and biodiversity law. I’ve also undertaken slightly more “weird” projects on water development corruption in Spain, prostitution and public policies, and, my current favorite, “Ríos de Letras” (River of Letters), a book on water, rivers and universal literature, drawn up in four hands with Professor Manuel García-Castellón, from the University of New Orleans Department of Foreign Languages. I also have collaborated with the media frequently on environmental legal issues, including film specials about rivers.

Throughout, I have benefitted indispensably from the support of my wife and daughter, and their bullet-proof patience. And, of course, from Tulane.

GREEN PRACTICE

Luis R. Vera Morales, LL.M. 1993
Mexico City, Mexico



Back in 1989, when I began my environmental law practice, and for some years afterwards, environmental law in Mexico was almost fully devoted to the industrial sector. During my stay at Tulane, I realized its relationship to natural resources as well, and found fellow students with backgrounds in science, engineering and other disciplines, each with something to contribute.

Shortly after returning, I was approached by the recently-formed Mexican Center for Environmental Law to become their lawyer in the so-called Cozumel Pier Case, a massive new facility planned on top of a valuable reef and a marine protected area. The government had done everything wrong. It segmented the project to avoid environmental review. It refused to consider alternative locations, and refused to protect the reef or a refuge at all. The case led ultimately to the first public denunciation before the North American Commission for Environmental Cooperation resulting in a “factual record” under NAFTA’s environmental side agreement. I realized that I could move the law.

Shortly thereafter, with a shift in the political climate, I was asked by the Mexican environmental ministry to draft regulations “closing the gap” on environmental review. We did not, in the end, stop the pier, but we did win and write rules that now require comprehensive analysis and full alternatives. As my practice matured through many controversies, my partners and I began to realize that

we wanted sustainable development, sustainability maintained.

One day I met two Frenchmen who were developing an algorithm to evaluate the perception of stakeholders in any given situation. Our needs fitted their tool. We convinced them that using such knowledge in environmental policy making could make a difference. Now we have a group of mathematicians, computer geeks, and sociologists along with our biologists and engineers at the firm. Each case requires at least two of three groups: (lawyers, scientists, and social consensus).

We have also maintained our public focus. We have drafted much of the Mexican legislation now in place since 1996. I have been counsel to two Presidents and their transition teams, and to several environmental ministers and attorneys general. I have intervened as an expert witness in five international arbitrations related to environmental law. My colleagues and I have won cases that have set new technical and/or legal standards. We are also involved in law reform. Judges and academics must broaden their juridical views as well, particularly the Civil Law legality principle. In this context of a dynamic world, the conservatism that supports rigid civil law construction cannot be maintained. It freezes the application of new knowledge and stifles innovation.

The effort to build these bridges took me a step further. I got my PhD in Sciences from the National Polytechnic Institute in 2010. I was the first and to date only lawyer accepted into the program. My mentors, Oliver Houck and Raul Brañes, are daily inspirations. I teach throughout Mexico and sometimes abroad, but not in law school. I enjoy the diversity, which is at the very base of our field.



TELJ OFFICERS

Joe Spivey (Senior Business Editor), Casey Desselles (Senior Notes and Comments Editor), Katie Cordes (Editor in Chief), Brittany Dunton (Senior Managing Editor), and Rachel Bleshman (Senior Articles Editor).

TULANE ENVIRONMENTAL LAW JOURNAL

The *Tulane Environmental Law Journal* will publish Volume 26 in the 2012-2013 school year. The first issue, to be published in Winter 2012, will explore a variety of issues including: Louisiana v. Lee and the battle over dredging in Lake Pontchartrain; a case study of Texaco's operations in Ecuador, which highlights the challenges inherent in holding multinational corporations accountable for their tortious acts in developing countries; and the opportunity to increase green jobs in Louisiana in the wake of natural disasters. The second issue, to be published in Summer 2013, will be a special issue focused on the effect of climate change on indigenous peoples. TELJ was selected by a special panel of the American Association of Law Schools to publish the works of academic experts in this field. The Journal staff is comprised of five senior board members, eight managing editors, and thirteen junior members.

WATER INSTITUTE: NEW FELLOWS, NEW PROJECTS

Thanks to a grant from The McKnight Foundation, the Tulane Institute on Water Resources Law and Policy has added two post-graduate research fellows to its team. Christopher Dalbom (JD Tulane, 2012) and Marisa Escudero (JD Loyola New Orleans, 2011) will study how states and the federal government manage (or don't) the flows of the Mississippi River. This work has added urgency for coastal Louisiana as droughts, climate change, and floods present increased hazards and loss.

The Mississippi River initiative complements the Institute's ongoing work on Louisiana water policy. A recent article co-authored by Institute Director Mark Davis was adopted in a report by the Louisiana Ground Water Resources Commission to the Legislature in March 2012, leading to a new Water Resources Commission to chart a course to better water management. The Institute also briefed legislators and state authorities on the legal risks of allowing waters from the Sabine River to be sold, and on responsibilities to maintain the banks of federally authorized navigation channels (the answer: it depends).

Continuing its work on the Deepwater Horizon blowout, the Institute developed materials and workshops explaining the claims and the Natural Resource Damage Assessment process. As the RESTORE Act (dedicating 80% of CWA penalties to the five Gulf coast states) worked its way forward, we provided detailed (and occasionally followed) analysis about how its provisions would affect advocacy and public participants.

Closer to home, Davis was a member of the New Orleans mayoral Task Force to investigate ways the City's water, sewerage and drainage services might be improved. He also is part of an international team developing management scenarios for the portions of Orleans, Jefferson, and St. Bernard Parishes that lie on the east side of the Mississippi River. The Institute was also recognized in a National Science Foundation grant to study the ecologic

and social dynamics of wetland loss in parts of metro New Orleans. The Institute bolstered its strength here by adding Joshua Lewis, a PhD candidate at the Stockholm Resilience Center, as a Research Analyst.

From the Institute's point of view, sooner or later it all comes down to water.





Institute Director and Fellows, 2012-13: Marisa Escudero, Christopher Dalbom, Mark Davis

TU WaterWays Tulane Institute on Water Resources Law and Policy September 14, 2012

Flooding in the Lower 9th Ward and St. Bernard Parish on Trial in Federal Court (Again)

Judge Stanwood Duval is hearing a trial deciding whether the levee separating the Industrial Canal and the Lower 9th Ward was overtopped or collapsed due to negligence by the Corps of Engineers and its contractors. Although Judge Duval already decided the Corps was partly responsible for the flooding due to negligence of the Mississippi River Gulf Outlet, this trial will decide liability for the other point of entry for the water into the Lower 9th Ward, Arabi, and other parts of St. Bernard Parish.

The Times-Picayune, September 10, 2012.

Getting to Why: Studies Look at Isaac's Floods.

The flooding caused by Hurricane Isaac is obvious but the same can't be said for its reasons. Whether the flooding was just a factor of the storm's track and ill-mannered lingering, our coast's ongoing collapse, or was linked to the upgraded levees and flood walls around metro New Orleans is topic of broad discussion. The answers may come from a series of studies to be conducted by the Army Corps of Engineers and at least two other groups. In addition to the Corps' own study, the Louisiana Water Resources Council and the recently created Water Institute of the Gulf will review the flooding and the Corps' study.

Times-Picayune, September 12, 2012; Business Report, September 12, 2012.

White House issues Executive Order re: RESTORE Act and NRDA Trustees.

On Monday, President Barack Obama released an executive order regarding the post-Deepwater Horizon restoration efforts. The order structures the hand-off from the President's Gulf Coast Ecosystem Restoration Task Force to the Gulf Coast Ecosystem Restoration Council, created by the recently enacted RESTORE Act. It reinforces language in the RESTORE Act that the Council's Comprehensive Plan will follow the Task Force Strategy. The Comprehensive Plan will dictate how 60% of the Gulf Coast Restoration Trust Fund will be spent. The Order also added both the EPA and the USDA to the Natural Resource Damage Assessment Trustee Council. The NRDA process is separate from the Council and the Restoration Trust Fund.

Times-Picayune, September 10, 2012; Amite-Tangi Digest, September 10, 2012.



The Faculty: RECENT PUBLICATIONS



Adam Babich

The Supremacy Clause, Cooperative Federalism, and the Full Federal Regulatory Purpose, 64 Admin. L. Rev. 1 (2012)

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)

Colin Crawford

The Social Function of Property and the Human Capacity to Flourish, 80 Fordham L.Rev. 1089-1134 (2011)

El cambio climático y el ordenamiento territorial en el siglo XXI: algunas reflexiones sobre nuestro future bandido, in Juan Felipe Pinilla & Mauricio Rengifo, eds., LA CIUDAD Y EL DERECHO. Una introducción al derecho urbano contemporáneo. (Editorial Temis, Bogotá: 2012)

Long Live NEPA? Or Down With the King? In Rômulo S.R. Sampaio, Guilherme J.S Leal and Antonio Augusto Reis, eds., TÓPICOS DE DIREITO AMBIENTAL, 30 ANOS D POLÍTICA NACIONAL DO MEIO AMBIENTE 701-718 (Lumen Juris: Rio de Janeiro, 2012)

Mudança Climática, Desastres e Direito: Eventos Ambientais e Justiça Ambiental, in Solange Teles da Silva, Sandra Cureau and Márcia Dieguez Leuzinger, eds., MUDANÇA DO CLIMA: DESAFIOS JURÍDICOS, ECONÔMICOS E SOCIOAMBIENTAIS 92-104 (Ed. Fiuza: São Paulo, 2011)

Greening New Orleans After Katrina, in Keith H. Hirokawa and Patricia E. Salkin, eds., GREENING LOCAL GOVERNMENT 385-412 (American Bar Association: Chicago, 2012)(with Brandon D. Sousa)

Mark Davis

A Defining Resource: Louisiana's Place in the Coming Water Economy, *Loyola (New Orleans) Law Review*, Vol. 57 (2011) (co-authored).

Lessons Unlearned: The Legal and Policy Legacy of the BP Deep Water Horizon Spill, *Journal of Energy, Climate and the Environment*, Washington and Lee Law School (publication scheduled for April 2012)

Escaping the Sporbash: Protecting State Waters Within the Commerce Clause, (co-authored) *Louisiana Law Review's Coastal Land Loss Symposium* (March 2012); submission for publication in the *Louisiana Law Reviw*, summer of 2012.

Günther Handl

Lectures on *International Responsibility for Transboundary Harm*; and *International Liability Regimes for Transboundary Harm*, Hague Academy of International Law, January 18, 2012.

Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration), 1972 and the Rio Declaration on Environment and Development, 1992, United Nations Audiovisual Library of International Law, at <http://untreaty.un.org/cod/avl/historic/archives.html#envir>

Le droit à la santé dans le context du droit de l'environnement, in Jean-Marc Thouvenin & Anne Trebilcock, eds., MANUEL DE DROIT INTERNATIONAL SOCIAL (Bruylant, 2012).

Oliver Houck

Prologue, *PRINCIPLES OF CONSTITUTIONAL ENVIRONMENTAL LAW*, American Bar Association, 2011

Breaking the Golden Rule, *Rutgers Law Review* (to be published Spring 2013)

Shell Game, *Tulane Environmental Law Journal*, (to be published Winter 2012)

Rescuing Ophelia, 81 *Mississippi Law Journal* 1473 (2012)

Save Ourselves, 72 *Louisiana Law Review* 409 (2011)

The Clean Water Act Returns (Again): TMDLs and The Chesapeake Bay Program, 41 *Environmental Law Reporter* 10208 (2011)

Book Reviews: *Conservation in the Anthropocene*, *The Environmental Forum* (July/August 2012); 1493, *The Environmental Forum* (March/April 2012); *The Ducktown Disaster*, *The Environmental Forum*, (Nov/Dec 2011); *The Quiet World*, *The Environmental Forum* (July/ Aug 2011); *The Big Burn*, *The Environmental Forum*, (Feb/Mar 2011).

Amy Stein

Self-Imposed Federal Regulation, 84 *U. Colo. L. Rev.* __ (forthcoming 2013)

The Tipping Point of Federalism, 45 *Conn. L. Rev.* __ (forthcoming 2012)

Works-in-Progress:

Positive Energy Externalities: Energy Storage
Slippery Jurisdiction: Energy Storage, Demand Response, and Energy

STUDENT SUMMERS



Ben Fuchs, Malawi

I worked last summer as a legal clerk for Citizens for Justice, the Malawian country affiliate of Friends of the Earth International. I focused mainly on issues stemming from the massive Kayelekera uranium mine; I researched the effects of a 2007 lawsuit settlement related to the mine. The lawsuit was filed by CFJ and other Malawian civil society organizations against the Malawian government and the Australian mining company that owns Kayelekera. In spite of the ubiquitous practical frustrations one encounters in that part of the world—a typical work week included two days without power in the office—it was an experience I'll value for a very long time.



David Hynes, North Carolina

I worked with the Southern Environmental Law Center in working to help create land use planning regulations and to implement a Transferable Development Rights program to conserve North Carolina land. We also prepared arguments against the proposed Corridor-K, a national highway designed to connect Knoxville, TN and Asheville, NC. The proposed route goes through national forest, and will likely encounter acid-producing rock, which would threaten the hydrological system there. We also worked on the coal ash impoundment located in Asheville, NC, especially EPA's rulemaking progress involving Subtitle C or D of RCRA.



Allison Parks, Utah

During my 1L summer, I returned to my hometown of Salt Lake City, Utah, to do legal work for Southern Utah Wilderness Alliance (SUWA), is a non-profit that promotes the preservation of wilderness at the heart of the Colorado Plateau. About half of my time was spent researching road claims on public and private land; several counties in Utah were seeking quiet title to over 10,000 miles of routes through numerous lawsuits against the federal government. These route claims are contentious issues in Utah and hit at the very heart of how people connect to wilderness. The nine weeks spent at SUWA was a great opportunity to apply my first year of legal training to landscapes I strongly care about.



Jared Sternberg, Alaska

This past summer, I worked at Trustees For Alaska, an environmental litigation non-profit based out of Anchorage. During the week, I worked on memos and briefs dealing with coal, wastewater treatment facilities, endangered species (especially Cook Inlet Beluga Whales), oil pipelines, and Native rights. I drafted a motion on an important water and air pollution case as well. On the weekends, I was found anywhere besides the city. I kayaked with humpback whales, sea otters, seals, and dolphins. I hiked with black bears and grizzlies, backpacked through gorgeous scenery, and ice-climbed on massive glaciers.



Alumni Notes

We live through our alumni and are proud to continue to tell their stories.

**Nikolaos Anagnostakis, LLM 2010,
Athens, Greece**

In addition to his private practice, Nikolaos co-founded Green Justice, the first environmental NGO in Athens. He has been conducting climate change law field research in the South Pacific, in hopes of addressing the plight of small island nations. While conducting this field research, he is teaching an International Environmental Law class at the School of Law of the University of the South Pacific.

**Nicolás Balmaceda, LLM 2000,
Santiago, Chile**

Nicolas reports that he and his law firm are on the frontier of the Chilean wind power industry. The project in which he is currently involved will use 57 generators to produce 110 MW of energy in the desert, nearly 200 miles north of Santiago, where adverse environmental impacts are expected to be minimal. The energy harnessed will increase Chile's wind power production by over 60 percent.

**Chad Blocker, JD 1996,
New York City, New York**

Chad Blocker graduated from Tulane in 1996 with an environmental law certificate. He's currently working in corporate immigration in New York. Recently, he joined the Board of Directors for a non-profit environmental organization, Norcross Wildlife Foundation. Norcross's core mission is to protect and expand a beautiful 10,000-acre wildlife sanctuary in southern Massachusetts. Additionally, the organization allocates grants for environmental causes.

**Jon Schuyler Brooks, JD 1984,
Garden City, New York**

This summer, Mr. Brooks was named the new Chairman of the Environmental Transactions and Brownfields Committee (ETAB) of the American Bar Association's Section on Environment, Energy and Resources. The Committee is the largest in the Section, boasting over 1000 members. The ETAB deals with environmental law issues

that rise out of real estate and business transactions. While at Tulane, Mr. Brooks served as Articles Editor for the Maritime Law Journal and participated in the Jessup Moot Court Competition where he won the "Best Oralist" award."

**Patricia Prato Casado, LLM 2009,
Caracas, Venezuela**

After receiving her LLM from Tulane in 2009, Ms. Prato Casado joined Norton Rose in Caracas, where she has been involved in many oil, gas and mining projects in Venezuela and Colombia. She is considered an expert in Latin American practice and has published work on comparative environmental law as well as the Venezuelan oil belt.

**Thad Culley, JD 2010,
San Francisco, California**

As an Attorney with Keys, Fox, & Wiedman LLP, Mr. Culley was involved in a recent decision that heralds good news for renewable energy in California. His firm represented a non-profit renewable energy organization that filed with several other solar and environmental groups. The group's interpretation of the statute in question was accepted by the California Public Utilities Commission and will essentially double the potential size of California's solar power market for the foreseeable future.

**Ilya Fedyaev, LLM 2005,
Moscow, Russia**

Ilya Fedyaev is working for CARBO Ceramics in Russia as a Chief Russian Counsel. His work is concentrated in the areas of corporate, immigration, arbitration, and commercial laws.

**Santad Kemprasit, LLM 2007,
Bangkok, Thailand**

Energy law has been at the forefront of life for Mr. Kemprasit. Currently a legal officer at PTT Public Company Limited, Thailand's national energy company, much of his time is devoted to negotiating and reviewing international oil and gas contracts. He recalls with special fondness his very first canoe trip with the Environmental Law Society.

**Murray Liebman, JD 1991,
Washington, DC**

For the past fifteen years, Mr. Liebman has run Liebman & Associates, a firm dedicated to clean energy and environmental technology. Liebman & Associates helps some of the world's largest companies, including Verizon, Unilever, Emerson, and UPS, embrace sustainability, clean technologies and best practices. His firm also represents a portfolio of venture capital funded clean technology firms developing technological solutions such as solar, energy storage, biofuels, and advanced energy efficient manufacturing. While at Tulane, Murray was the EIC of the Tulane Environmental Law Journal.

**Ramon D. Lloveras San Miguel,
LLM, 1988, San Juan, Puerto Rico**

Mr. Lloveras San Miguel has presided over the Board of Directors for the San Juan Bay Estuary Program since his appointment by the Governor of Puerto Rico in 2000. The organization is one of the 28 programs funded and created by the National Estuary Program. The San Juan Bay Estuary is the only tropical ecosystem in the program and the only one outside the continental US. The Estuary Plan's four areas of emphasis are water quality and sediments, fish and wildlife, aquatic debris, and public involvement and education. In recent years, the program was able to create an underwater artificial reef composed by 245 modules; produce Puerto Rico's first ecologically-themed movie for children, which was presented in multiple international festivals; and plant over 2,000 red mangrove seedlings. It also established April 24 as Puerto Rico's Water Quality Monitoring Day, and championed approval of the first local environmentally-themed license plate.

**Mary Nagle, JD 2009,
New York City, New York**

“Things are good. I am still in the black hole chasing the banks. In the midst of filing our summary judgment brief against Bank of America right now! I am also writing a play about the 2008 financial crisis! . . . the “trade” in 1626 when the Lenape Indians lost Manhattan to the Dutch. “Manhatta” is their word for “island of many hills” . . . I am actually off to Oklahoma next week, where a local community group will be doing a staged reading of Miss Lead at their annual enviro conference about the lead mining superfund site. Still fighting that fight! La Lucha sigue.”

**Brandy Parker, JD 2007,
Washington, D.C.**

“Last year I had the opportunity to act as assistant defense counsel representing a Coast Guard member accused of operating an oily water separator (OWS) bypass on a Coast Guard cutter. It was an interesting experience for me. I have plenty of experience advising Coast Guard inspection teams investigating suspected OWS bypasses on commercial vessels, but I never anticipated finding myself on the other side.

While winning a partial victory for my client, I believe the outcome will end up being a victory for the Coast Guard. We discovered significant training deficiencies that led to the problem, and discovered potential flaws in our evidence analysis techniques, which I am sharing with the Coast Guard’s National Center for Excellence for Investigations, based in New Orleans.”

**Juan Sabogal, LLM 1996,
Bogotá, Colombia**

Mr. Sabogal currently works for Muñoz Tamayo & Asociados in Bogotá as the head of their environmental law department, focused on advising companies in the oil and gas industry. In addition, Mr. Sabogal teaches LLM classes at Universidad del Rosario and Pontificia Universidad Javeriana, where he plans to launch an environmental law research center.

**Martin Scharrer, LLM, 2009,
Berlin, Germany**

After graduating with my first law degree, during an internship at the Federal Environmental Agency, I worked on issues regarding new chemical regulations. I then came to Tulane, which was the best imaginable place for studying Energy and Environmental Law, given its location on the Gulf of Mexico. I am currently working for an investment company that is raising equity to finance renewable energy projects, especially wind and solar all across Europe. Most of my work is contract negotiations, due diligence, and general contractor and loan agreements. It is fascinating to see the vast array of issues you have to solve in order to realize a renewable energy project in a diverse nation like Germany, France, or Italy. The next few months will bring exciting new challenges to my job. Soon I will begin working with local people in the communities, discussing the best location for renewable projects, to encourage community participation.

I have to thank you, Tulane. I would not be where I am now without you.”

Rajat Sethi, LLM 1996, Delhi, India

Rajat Sethi graduated from Tulane’s Energy and Environmental Law Program in 1996. After graduation, he worked in civil litigation for three years at the High Court of Delhi and at the Indian Supreme Court. In 1999, he joined a private firm and worked in corporate practice. In 2005, he and a colleague started a firm, S&R Associates, where he is currently working in the areas of corporate finance and general commercial arbitration and litigation.

**Allison Shipp, JD 2011,
New Orleans, Louisiana**

I am an associate at Kanner & Whitley, LLC, here in New Orleans and I have been having an incredible experience so far, especially working with the Deepwater Horizon litigation. Being involved in such a huge, complex case, I’ve had a great opportunity to get involved with many projects that I don’t think many first-year attorneys do.

**Mingqing You, LLM 2005,
Wuhan, China**

Professor You teaches environmental law at Zhongnan University of Economics and Law in Wuhan, China. He has published multiple pieces, including an annual review of the development of Chinese environmental law for the Environmental Law Reporter. In 2008, he participated in a project spearheaded by the Centre for Studies and Research in International Law and International Relations, in The Hague, Netherlands.

SUGGESTION BOX

*Dear Dr. Houck,
I have an idea about the lake. To put strainers along the fresh water diversion. I think they should but one every mile. Make them like a huge fence. And every week or so send prisinors out to clean it. Seems that the river went from good rid-dens to bad habbitat!*

*Your friend,
Christopher*

P.S. Please write me back on what you think about my idea!

Thank you!

Tulane Environmental Law News
6329 Freret Street, New Orleans, LA 70118

Student Editors: Brett Korte, Caroline Wick

Faculty Editors: Oliver Houck, Amy Stein

We thank everyone who contributed to this issue.



Wolf River 2012

Tulane's Environmental Law Program

The Tulane Environmental Law Program is one of the largest and most diverse in the world. Each year, Tulane graduates more than forty Juris Doctor and Masters candidates with specialties in energy and environmental law. What distinguishes Tulane's program in addition to its Faculty is the strength of its Clinic, scholarship of its Journal, the projects of its Payson Center and Water Institute, the energy of its Environmental Law Society, and the momentum provided by an engaged group of JD, LLM and SJD students. These seven components of Tulane's program – in the extraordinary setting of post-Katrina New Orleans, the Lower Mississippi River and the Gulf Coast – provide a unique academic experience for those with an interest in environmental law and sustainable development policy. For more information, contact the Law School's admission office at admissions@law.tulane.edu, John Giffen Weinmann Hall, Tulane University, 6329 Freret Street, New Orleans, LA 70118, 504.865.5930, or its web site at www.law.tulane.edu.



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