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PERSONAL

Born July 16, 1950 (Chicago, Illinois)
Married, three children

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EDUCATION

Pre-Law School: B.A. University of Illinois, 1971 (with high honors) (philosophy, with mathematics minor); M.A. (sociology), University of Illinois, 1972

Legal Education: J.D. 1975 (summa cum laude), University of Illinois, Order of the Coif (Class Rank: 1 out of 190), Class Valedictorian, Harno Scholar, Editor-in-Chief, University of Illinois Law Review

EMPLOYMENT

University of California at Berkeley, 2002-present
SHO SATO PROFESSOR OF LAW
CO-DIRECTOR, Center for Law, Energy and the Environment
CHAIR, Energy and Resources Group (ERG), 2008-2012

University of Minnesota, 1981-2002
MCKNIGHT PRESIDENTIAL PROFESSOR OF PUBLIC LAW, 2000-2003
HENRY J. FLETCHER PROFESSOR OF LAW, 1987-2003
DIRECTOR, Minnesota Center for Legal Studies, 1999-2003
ASSOCIATE DEAN FOR FACULTY, 1992-2003
ACTING ASSOCIATE VICE PRESIDENT FOR ACADEMIC AFFAIRS, 1995-1996
PROFESSOR OF LAW, 1983-1987
JULIUS E. DAVIS PROFESSOR OF LAW, 1983-1984
ASSOCIATE PROFESSOR OF LAW, 1981-1983

VISITING PROFESSOR, University of Chicago Law School, Winter 2000

VISITING PROFESSOR, Harvard Law School, Spring 1998

OF COUNSEL, Lockridge, Grindal, and Nauen, 100 Washington Avenue South, Suite 2200, Minneapolis, 1995-2004

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VISITING PROFESSOR, Stanford Law School, 1987-1988

ASSISTANT PROFESSOR OF LAW, University of Illinois, 1978-1981

ASSOCIATE, Sidley & Austin (Washington D.C., office), 1977-1978

LAW CLERK, Justice John Paul Stevens, United States Supreme Court, 1976-1977

LAW CLERK, Judge Philip W. Tone, United States Court of Appeals for the Seventh Circuit, 1975-1976

OTHER PROFESSIONAL ACTIVITIES

MEMBER, STEERING COMMITTEE, Cambridge Centre for Environment, Energy and Natural Resource Governance, University of Cambridge (2014 - present).

EDITORIAL BOARD, *Transnational Environmental Law* (2011- 2019).

SPECIAL CONSULTANT to National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling (2010).

EDITOR, *Issues in Legal Scholarship* (2008- 2014).

OVERSEAS ADVISOR to National Taiwan University Policy and Law Center for Environmental Sustainability

MEMBER, American Law Institute (Life Member)

BOARD OF ADVISORS, *Stanford Law Review*

BOARD OF ADVISORS, *The Italian Journal of Public Law* (Milan)

EDITORIAL BOARD, *Environmental Economics*

EDITORIAL COMMITTEE, *European J. of Environmental Law* (Cambridge U. Press)

BOARD OF ADVISORS, *University of San Diego Journal on Climate and Energy Law*

FELLOW, American Academy of Arts and Sciences

MEMBER, Constitutional Law Drafting Committee, Multi-State Bar Examination. (2000-present)

MEMBER SCHOLAR, Center for Progressive Reform

EDITOR, *Constitutional Commentary* (1984-2004).

ADVISORY BOARD, Public Health Trust

EDITORIAL ADVISORY BOARD, Foundation Press

EDITORIAL BOARD, Supreme Court Economic Review

ADVISOR, "Lincoln and the Constitution" exhibit, National Constitution Center, Philadelphia (2004-2005).

AALS CONTRACTS SECTION, CHAIR (1984), EXECUTIVE COMMITTEE (1987); FOUNDING OFFICER, Provisional Section on Law and Interpretation (1989-1991); EDITORIAL BOARD, *Journal of Legal Education* (1990-1992).

MEMBER: Illinois, Seventh Circuit, and District of Columbia Bars; American Law Institute (Life Member)

LITIGATION COMMITTEE, AAUP; AAUP Special Committee on Confidentiality in Tenure Review (1990-1991).

BOARD OF DIRECTORS, Minnesota Civil Liberties Union (2001-2003).

SPECIAL MASTER in *State of Minnesota v. Hennepin County* (Minn. 4th Dist., No. 90-16529).

COURSES TAUGHT: *Energy Law*; *Environmental Law*, *Environmental Writing Seminar*; *Advanced Environmental Law (Sem.)*; *Multidisciplinary Seminar on Climate Change and Energy Security*; *International Environmental Law*; *Environmental Law and Policy*; *Contracts*; *Climate Change and the Law*; *First Amendment, Disasters and the Law*; *Environmental Law Workshop*; *Issues in Chinese Law* (with Alex Wang), *Constitutional Law*, *Legislation*, *Torts*; *Law, Politics and Policymaking* (Berkeley Masters in Development Program); *Civil Procedure*; *American Constitutional History (Sem.)*, *Property*, *Criminal Law*, *Civil Procedure (Jurisdiction and Preclusion)*, *Income Taxation of Individuals*, *Federal Courts*. (Italicized courses taught at Berkeley).

PUBLICATIONS

BOOKS

1. UNITED STATES CONSTITUTIONAL LAW (Foundation Press 2019) (with Neil Siegel).
2. CLIMATE CHANGE LAW: CONCEPTS AND INSIGHTS (Foundation Press 2017) (with Cinnamon Carlarne)
3. ESTUDOS APROFUNDADOS EM DIREITO DOS DESASTRES: INTERFACES COMPARADAS (Curtiba, Brazil: Editora Prismus 2017) (with Délton Winter de Carvalho).
4. CLIMATE CHANGE LAW (ELGAR ENCYCLOPEDIA OF ENVIRONMENTAL LAW, VOL. 1) (2016) (Elgar) (co-editor, with Marjan Peters).
5. DISASTER LAW (Elgar 2010) (with M. Faure) (editor).
6. RESEARCH HANDBOOK ON PUBLIC CHOICE AND PUBLIC LAW (Elgar 2010) (with A. O'Connell) (editor).
7. JUDGMENT CALLS: POLITICS AND PRINCIPLE IN CONSTITUTIONAL LAW (Oxford University Press 2008) (with S. Sherry) (Honorable Mention, 2010 Scribes Book Award).
8. SECURITY V. LIBERTY: CONFLICTS BETWEEN CIVIL LIBERTIES AND NATIONAL SECURITY IN AMERICAN HISTORY (Russell Sage 2008) (editor).
9. PUBLIC CHOICE AND PUBLIC LAW (Elgar 2007) (editor).
10. RETAINED BY THE PEOPLE: THE 'SILENT' NINTH AMENDMENT AND THE CONSTITUTIONAL RIGHTS AMERICANS DON'T KNOW THEY HAVE (Basic Books 2007).
11. DISASTER LAW AND POLICY (Aspen Publishers, 2006 [with J. Chen], 2d ed. 2010 [with J. Chen, L. Sun, and R. Verchick], 3d ed. 2015 [with J. Chen, L. Sun, and R. Verchick]).
12. MODERN CONSTITUTIONAL THEORY: A READER (West Pub. Co., 5th ed. 2004) (with J. Garvey and T. Aleinikoff).
13. LINCOLN'S CONSTITUTION (University of Chicago Press, 2003) (Chinese translation 2017).

14. ECO-PRAGMATISM: MAKING SENSIBLE ENVIRONMENTAL DECISIONS IN AN UNCERTAIN WORLD (University of Chicago Press, 1999).
15. THE FIRST AMENDMENT (Foundation Press, 1998, 2d ed. 2003, 3d ed. 2010, 4th ed. 2014).
16. DESPERATELY SEEKING CERTAINTY: THE MISGUIDED QUEST FOR CONSTITUTIONAL FOUNDATIONS (University of Chicago Press 2002) [with S. Sherry].
17. BEYOND ALL REASON: THE RADICAL ASSAULT ON TRUTH IN LAW (Oxford University Press, 1997) [with S. Sherry] [New York Times “Notable Book of the Year”].
18. CASES AND MATERIALS ON CONSTITUTIONAL LAW: THEMES FOR THE CONSTITUTION'S THIRD CENTURY (West Publishing Co. 1993, 2d ed. 1998; 3d ed. 2003, 4th ed. 2010; with annual Supplements; Teacher's Manuals 1993, 1998, 2003, 2010, 2019) [with W. Eskridge and P. Frickey], 5th ed. 2013; with 2014, 2015, 2016, 2017, 2018 Supplements; 6th ed. 2019 [with W. Eskridge and J. Schacter].
19. LAW AND PUBLIC CHOICE: A CRITICAL INTRODUCTION (University of Chicago Press, 1991) [with P. Frickey].
20. A HISTORY OF THE AMERICAN CONSTITUTION (West Pub. Co., 1st ed. 1989, 2nd ed. 2005, 3d ed. 2013) [with S. Sherry].
21. ENVIRONMENTAL LAW IN A NUTSHELL (West Pub. Co., 1st ed. 1983, 2nd ed. 1988; 3rd ed. 1992; Japanese translation, 1992; 4th ed. 1995; 5th ed. 2000; 6th ed. 2003, 7th ed. 2008, 8th ed. 2010, 9th ed. 2014); 10th ed. 2019.
22. ENVIRONMENTAL LAW: CASES AND MATERIALS (West Pub. Co., 1st ed. 1981, 2nd ed. 1985, 3rd ed. 1991, 4th ed. 1995, 5th ed. 1999; with 1983, 1988, 1993, and 1997 Supplements; Teacher's Manuals 1992, 1995 and 1999) [with R. Findley], 6th ed. 2003 [with R. Findley and J. Freeman], 7th ed. 2006 [with J. Freeman and A. Carlson] (with 2008 Supplement), 8th ed. 2010 [with J. Freeman and A. Carlson], 9th ed. 2013 [with A. Carlson]; 10th ed. 2019 [with A. Carlson and W. Boyd].

ARTICLES, ESSAYS, AND BOOK CHAPTERS

1. Regulatory Review in Anti-Regulatory Times, 94 *Chi.-Kent L. Rev.* 383 (2019)
2. Lincoln, Presidential Power, and the Rule of Law, 113 *Nw. U. L. Rev.* 667 (2018).
3. The Unifying Force of Climate Change Scholarship, in Ole Pedersen (ed.), *Perspectives on Environmental Scholarship* (2018).
4. Governance Principles and Climate Disasters: Constitutional Law and Administrative Law Issues, in Rosemary Lyster and Robert R.M. Verchick, *Research Handbook on Climate Disaster Law: Barriers and Opportunities* (2018).
5. Response and Recovery After Maria: Lessons for Disaster Law and Policy, 87 *Revista Juridica UPR* 743 (2018).
6. *Murr v. Wisconsin* and the Future of Takings Law, 2017 *Sup. Ct. Rev.* 115 (2018).
7. Public Choice Theory and Legal Institutions, in Francesco Parisi (ed.), *Oxford Handbook of Law and Economics*, Vol. 1: Methodology and Concepts (Oxford Press 2017).
8. Agencies as Adversaries, 105 *Cal. L. Rev.* 1378 (2017) (with O'Connell).
9. The Conservative as Environmentalist: From Goldwater and the Early Reagan to the 21st Century, 59 *Ariz. L. Rev.* 1005 (2017).

10. How Legal Systems Deal with Issues of Responsibility for Past Harmful Behavior, in Lukas Meyer and Pranay Sanklecha, *Climate Justice and Historical Emissions* (2017).
11. Racing the Clock: Deadlines, Conflict, and Negotiation in Lawmaking, in Frank Fagan and Saul Levmore, *The Timing of Lawmaking* (2017).
12. The Implementation Gap in Environmental Law, *J. Korean L.* 3 (Dec. 2016).
13. Historical Versus Iconic Meaning: The Declaration, the Constitution, and the Interpreter's Dilemma, 89 *U. So. Cal. L. Rev.* 457 (2016).
14. Climate Change and Disaster Law, in Kevin Gray, Richard Tarasofsky and Cinnamon Carlarne, *Climate Change and Disaster Law* (2016).
15. Taking Costs into Account: Mapping the Boundaries of Judicial and Agency Discretion, 40 *Harv. Env. L. Rev.* 87 (2016).
16. Introduction (p.1) and Concluding Chapter: The Emergence of Global Climate Law (p. 687), in Daniel Farber & Marjan Peters, *Climate Change Law* (2016) (with Peters).
17. Disaster Law in the Anthropocene, in Jacqueline Peel and David Fisher, *The Role of International Environmental Law in Disaster Risk Reduction* (2016).
18. Coping with Uncertainty: Cost-Benefit Analysis, The Precautionary Principle, and Climate Change, 90 *Wash. L. Rev.* 1659 (2015).
19. Separated at Birth? Addressing the Twin Crises of Biodiversity and Climate Change, 42 *Ecology L.Q.* 841 (2015).
20. Gambling Over Growth: Economic Uncertainty, Discounting, and Regulatory Policy, 44 *J. Leg. Studies* S509 (2015).
21. Back to the Future? Legal Scholarship in the Progressive Era and Today, 100 *Minn. L. Rev.* 1 (2015) (invited article to introduce volume 100 of the Minnesota Law Review).
22. Unpacking EME Homer: Cost, Proportionality, and Emissions Reductions, 4 *Mich. J. Env. & Admin. L.* 2 (2015).
23. Autonomy, Welfare, and the Pareto Principle, in A.N. Hatzis and N. Mercurio (eds.), *LAW AND ECONOMICS: PHILOSOPHICAL ISSUES AND FUNDAMENTAL QUESTIONS* (2015).
24. "Beyond Imagination": Government Blind Spots Regarding Catastrophic Risks, *Issues in Legal Scholarship* 2015 (on-line journal).
25. Legal Formalism, in James D. Wright (ed.), *INTERNATIONAL ENCYCLOPEDIA OF THE SOCIAL AND BEHAVIORAL SCIENCES* 740 (2d ed. 2015).
26. The Lost World of Administrative Law (with Anne Joseph O'Connell), 92 *Tex. L. Rev.* 1137 (2014) (winner of the Richard D. Cudahy Award for Scholarship on Regulatory and Administrative Law).
27. International Law and the Disaster Cycle, in David D. Caron, Michael J. Kelly and Anastasia Telesetsky, *THE INTERNATIONAL LAW OF DISASTER RELIEF* (2014).
28. Paying the Price for Environmental Disaster: An Interim Report on Criminal and Civil Liability for the BP Oil Spill, *Ill. L. Rev. Slip Ops.* (2014) (on-line journal).
29. Lessons from the BP Oil Spill, 6 *Revista de Estudos Constitucionais Hermenaeutica e Teoria de Direito (RECHTD)* (Brazil) 232 (2014).
30. Climate Policy and the United States System of Divided Powers: Dealing with Carbon Leakage and Regulatory Linkage, 3 *Transnat'l Env. L.* 31 (2014) (peer reviewed).
31. Breaking Bad: The Uneasy Case for Breakeven Analysis, 102 *Cal. L. Rev.* 1469 (2014).

32. Social, Economic, and Ethical Concepts and Methods (Ch. 3), in *Intergovernmental Panel on Climate Change, Working Group III – Mitigation of Climate Change* (2014) (contributing author).
33. Catastrophic Risk, Climate Change, and Disaster Law, 16 *Asia Pac. J. Env. L.* 37 (2013) (peer reviewed).
34. The 14th Amendment and the Unconstitutionality of Secession, in Neil Cogan, *UNION AND STATES' RIGHTS: A HISTORY AND INTERPRETATION OF INTERPOSITION, NULLIFICATION, AND SECESSION 150 YEARS AFTER SUMTER* (University of Akron Press 2013).
35. The Thirty Years War Over Federal Regulation, 92 *Tex. L. Rev.* 413 (2013) (review essay).
36. Carbon Leakage Versus Policy Diffusion: The Perils and Promise of Subglobal Climate Action, 13 *Chi. J. Int'l Law* 359 (2013).
37. Beyond the North-South Dichotomy in International Climate Law: The Distinctive Adaptation Responsibilities of the Emerging Economies, 22 *Review of European Community & International Environmental Law [RECIEL]* 42 (2013).
38. Pollution Markets and Social Equity: Analyzing the Fairness of Cap and Trade, 39 *Ecology L.Q.* 3 (2012).
39. Introduction: Legal Scholarship, the Disaster Cycle, and the Fukushima Accident, 23 *Duke Env. L & Pol'y Rev.* 1 (2012).
40. Sustainable Consumption, Energy Policy, and Individual Well-Being, 65 *Vand. L. Rev.* 1479 (2012).
41. The BP Blowout and the Social and Environmental Erosion of the Louisiana Coast, 13 *Minn. J. of L., Sci. & Tech.* 37 (2012).
42. Climate Justice, 110 *Mich. L. Rev.* 985 (2012) (review essay); (Chinese translation, published as “The Criticism of Economics of Climate Justice” in *J. of Poyang Law*, 2015).
43. A Fatal Loss of Balance: Dred Scott Revisited, 39 *Pepp. L. Rev.* 13 (2011).
44. Symposium Introduction: Navigating the Intersection of Environmental Law and Disaster Law, 2011 *BYU L. Rev.* 1783 (2011).
45. Issues of Scale in Climate Governance, in Dryzek, Norgaard, and Schlosberg, *OXFORD HANDBOOK OF CLIMATE CHANGE AND SOCIETY* (2011).
46. The Challenge of Climate Adaptation: Learning from National Planning Efforts in Britain, China, and the USA, 23 *J. Env. L. (U.K.)* 359 (2011).
47. Clean Technology: Challenges for the Legal System and Legal Education (Korea Legislation Research Inst. 2011) (monograph in English and Korean translation).
48. State Climate-Change Regulation: Will It Survive the Federal Challenge?, in Schlager, Engel and Rider, *NAVIGATING CLIMATE CHANGE POLICY* (2011).
49. Legal Guidelines for Cooperation Between the EU and American State Governments, in Vogel and Swinnen, *TRANSATLANTIC REGULATORY COOPERATION: THE SHIFTING ROLES OF THE EU, THE U.S., AND CALIFORNIA* (2011).
50. Using Environmental Property Rights to Shape Constitutional Law, in James May, *PRINCIPLES OF CONSTITUTIONAL ENVIRONMENTAL LAW* 359 (2011).
51. The Birth of U.S. Climate Change Law, *COJ Comp. L.J. (Thailand)* 1 (Aug. 2009).

52. “Cadenzas” Constitutionais, in George Leite, Ingo Sarlet, and Miguel Carbonell (eds.), *DIREITOS, DEVERES E GARANTIAS FUNDAMENTALIS* (2011).
53. Uncertainty, 99 *Geo. L.J.* 901 (2011).
54. Indirect Land Use Change, Uncertainty, and Biofuels Policy, 2011 *U. Ill. L. Rev.* 381 (2011).
55. Climate Change: A U.S. Perspective, 2 *Yonsei (Korea) L. J.* 1 (2011).
56. The UNCC as a Model for Climate Compensation, in Cymie Payne & Peter Sand (eds.), *GULF WAR REPARATIONS AND THE UN COMPENSATION COMMISSION* (2011).
57. Introduction (with M. Faure), in D. Farber and M. Faure (eds.), *DISASTER LAW* (Elgar 2010).
58. Introduction: “Practical Reason” and the Scholarship of Philip P. Frickey, 98 *Cal. L. Rev.* 1111 (2010).
59. Climate Change and U.S. Law, in F. Fracchia and M. Occhiena (eds.), *CLIMATE CHANGE: LA RISPOSTA DEL DIRITTO* (Editoriale Scientifica 2010).
60. Introduction: A Brief Trajectory of Public Choice and Public Law, in D. Farber and A. O’Connell (eds.), *RESEARCH HANDBOOK ON PUBLIC CHOICE AND PUBLIC LAW* (Elgar 2010).
61. Adaptation and Climate Justice, in T. Bonhady, A. Macintosh and J. McDonald (eds.), *ADAPTATION TO CLIMATE CHANGE: LAW AND POLICY* (Federation Press 2010).
62. Taking Responsibility for the Planet, 89 *Tex. L. Rev.* 147 (2010).
63. Owning Up to the Environment, 40 *Env. L. Rep.* 10994 (2010).
64. Building a Better Judiciary, in David Klein and Gregory Mitchell, *THE PSYCHOLOGY OF JUDICIAL DECISION MAKING* (Oxford Univ. Press 2010).
65. Justice Stevens, Habeas Jurisdiction, and the War on Terror, 43 *U. Davis L. Rev.* 945 (2010).
66. The Story of McCulloch: Banking on National Power, in Michael Dorf (ed.), *CONSTITUTIONAL LAW STORIES* (2d ed. 2009) (Chinese translation, published in *Trial Techniques*, 2015).
67. Climate Adaptation and Federalism: Mapping the Issues, 1 *San Diego J. of Climate & Energy L.* 259 (2009).
68. Review Essay: Rethinking the Role of Cost-Benefit Analysis, 76 *U. Chi. L. Rev.* 1355 (2009).
69. Compensation for Victims of Climate Change, *Jurist* (# 1392, Feb. 2, 2009) (in Japanese).
70. The Monsanto Lecture in Tort Law -- Tort Law in the Era of Climate Change, Katrina, and 9/11: Exploring Liability for Extraordinary Risks, 43 *Val. U. L. Rev.* 1075 (2009).
71. Adaptation Planning and Climate Impact Assessments: Learning From NEPA’s Flaws, 39 *Env. Law. Rptr.* 10605 (2009).
72. The Birth of U.S. Climate Law, *Comparative L. J.* [Thailand] 1 (Aug. 2009).

73. Confronting Uncertainty Under NEPA, *Issues in Legal Scholarship*, Vol. 8: Iss. 3 (Balancing the Risks: Managing Technology and Dangerous Climate Change), Article 3, available at <http://www.bepress.com/ils/vol8/iss3/art3.2009>.
74. Climate Compensation, *Jurist* (Tokyo), Feb. 15, 2009 (in Japanese translation).
75. The Categorical Approach to Protecting Speech in American Constitutional Law, 84 *Ind. L.J.* 917 (2009).
76. Climate Change, Federalism, and the Constitution, 40 *Ariz. L. Rev.* 879 (2008).
77. The Case for Climate Compensation: Justice Climate Change Victims in a Complex World, *Utah L. Rev.* 377 (2008).
78. A Place-Based Theory of Standing, 55 *UCLA L. Rev.* 1505 (2008).
79. Five Lessons from the REACH Directive, in Law Research Institute, EU LAW AND EAST ASIA IN THE AGE OF GLOBALIZATION: AGENDA FOR THE FUTURE 173 (2008) (in English and Korean translation).
80. Constitutional Cadenzas, 56 *Drake L. Rev.* 833 (2008).
81. Modeling Climate Change and Its Impacts: Law, Policy, and Science, 86 *Tex. L. Rev.* 1655 (2008).
82. L'approche de la liberté d'expression par catégories d'expression en droit constitutionnel américain, in Elisabeth Zoller (ed.), LA LIBERTÉ D'EXPRESSION AUX ÉTATS-UNIS ET EN EUROPE (2008).
83. El 'Rule of Law' y el Derecho de los Precedents, 3 *Palestra del Tribunal Constitucional* (Peru) 77 (2008)
84. Apportioning Climate Change Costs, 26 *UCLA J. Env. L. & Pol'y* 21 (2007/2008).
85. California Leadership in American Environmental Law, 6 *Studies in Cultural Symbiotics* (Okayama University) 1 (2008) (Japanese translation by Yuichiro Tsuji)
86. Basic Compensation for Victims of Climate Change, 155 *U. Pa. L. Rev.* 1605 (2007) (reprinted 2008-2009 *Land Use and Environmental Law Review* 415; reprinted in revised form with responses from other scholars, 38 *Env. L. Rep.* 10521 (2008).)
87. Bringing Environmental Assessment into the Digital Age, in Jane Holder and Donald McGillivray, TAKING STOCK OF ENVIRONMENTAL ASSESSMENT (2007)
88. Adapting to Climate Change: Who Should Pay?, 23 *J. Land Use & Env. L.* 1 (2007)
89. The Supreme Court, the Law of Nations, and Citations of Foreign Law: The Lessons of History, 95 *Cal. L. Rev.* 1335 (2007).
90. When the Court Has a Party, How Many 'Friends' Show Up? A Note on the Statistical Distribution of Amicus Brief Filings, 24 *Const. Comm.* 19 (2007).
91. Reinventing Flood Control, 81 *Tul. L. Rev.* 1085 (2007) (with R. Bea, K. Roberts, E. Wenk, and K. Inkabi).
92. Environmental Trading Schemes and the Constitutional Leverage Effect, in Jody Freeman and Charles D. Koostad, MOVING TO MARKETS IN ENVIRONMENTAL REGULATION (2007).
93. Legislative Constitutionalism in a System of Judicial Supremacy, in Richard W. Bauman and Tsvi Kahana, THE LEAST EXAMINED BRANCH: THE ROLE OF LEGISLATURES IN THE CONSTITUTIONAL STATE (2007).

94. Another View of the Quagmire: Unconstitutional Conditions and Contract Theory, 33 *FSU L. Rev.* 913 (2006).
95. Access and Exclusion Rights in Electronic Media: Complex Rules for a Complex World, 33 *N. Ky. L. Rev.* 459 (2006).
96. Backward-Looking Laws and Equal Protection: The Case of Black Reparations, 74 *Fordham L. Rev.* 2271 (2006).
97. The Independent Counsel Case: A Tale of Two Conservatives, in Craig Bradley, ed., *THE REHNQUIST LEGACY* (2006).
98. The Rule of Law and the Law of Precedents, 90 *Minn. L. Rev.* 1173 (2006).
99. The “War Against Terrorism” and the Rule of Law, *Transcript*, Summer 2005, at 28.
100. Environmental Enforcement and Compliance: An American Perspective, 1 *Daito Bunka L. Rev.* (Tokyo) 7 (2005) (published in English & Japanese)
101. Controlling Pollution by Individuals and Other Dispersed Sources, 35 *Env. L. Rep.* 10745 (2005).
102. Conflicting Visions and Contested Baselines: Intellectual Property and Free Speech in the “Digital Millennium,” 89 *Minn. L. Rev.* 1318 (2005).
103. Supreme Court Selection and Measures of Past Judicial Performance, 32 *FSU L. Rev.* 1175 (2005).
104. Did Roe v. Wade Pass the Arbitrary and Capricious Test?, 70 *Mo. L. Rev.* 1231 (2005).
105. Unlawful Combatants: Military Detention, Terrorism, and the Rule of Law, 58 *Current Legal Problems* 1 (2005).
106. Modular Environmental Regulation, 54 *Duke L.J.* 795 (2005).
107. The Story of *Boomer*: Pollution and the Common Law, 32 *ELQ* 113 (2005).
108. The Story of *Boomer*: Pollution and the Common Law, in Richard Lazarus and Oliver Houck, eds., *ENVIRONMENTAL LAW STORIES* (2005).
109. Conflicting Visions and Contested Baselines: Intellectual Property and Free Speech in the “Digital Millennium,” 89 *Minn. L. Rev.* 1318 (May 2005).
110. Earthquakes and Tremors in Statutory Interpretation: An Empirical Study of the Dynamics of Interpretation, 89 *Minn. L. Rev.* 848 (Feb. 2005).
111. Is There a Text in This Class? The Conflict Between Textualism and Antitrust, 14 *Journal of Contemporary Legal Issues* 620 (2005) (with Brett H. McDonnell).
112. The Story of *McCulloch*: Banking on National Power, 20 *Const. Comm.* 679 (2004).
113. Are Efficient Antitrust Rules Always Optimal?, *Antitrust Bulletin* 807 (Fall 2003) (with Brett McDonnell).
114. Probabilities Behaving Badly: Complexity Theory and Environmental Uncertainty, 37 *U.C. Davis L. Rev.* 145 (2003).

115. Review Essay: What (If Anything) Can Economics Say About Equity? 101 *Mich. L. Rev.* 1791 (2003).
116. From Here to Eternity: Environmental Law and Future Generations, 2003 *U. Ill. L. Rev.* 289 (2003).
117. Dollars and Sense: A “New Paradigm” for Campaign Finance Reform?, 37 *Rich. L. Rev.* 979 (2003).
118. Judicial Review and Its Alternatives: An American Tale, 38 *Wake Forest L. Rev.* 415 (2003).
119. Why (and How) Fairness Matters at the IP/Antitrust Interface, 87 *Minn. L. Rev.* 1817 (2003) (with Brett H. McDonnell).
120. Building Bridges over Troubled Waters: Eco-pragmatism and the Environmental Prospect, 87 *Minn. L. Rev.* 851 (2003).
121. Rethinking Regulatory Reform After *American Trucking*, 23 *Pace L. Rev.* 43 (2002).
122. Rights as Signals, 31 *Journal of Legal Studies* 83 (2002).
123. Speaking in the First Person Plural: Expressive Associations and the First Amendment, 85 *Minn. L. Rev.* 1483 (2001).
124. Review Essay: Toward a New Legal Realism, 68 *U. Chi. Rev.* 279 (2001).
125. Disarmed by Time: The Second Amendment and the Failure of Originalism (Symposium on the Second Amendment: Fresh Looks), 76 *Chi.-Kent L. Rev.* 167 (2000).
126. Economic Efficiency and the Ex Ante Perspective, in Jody Kraus and Steven Walt, eds., *THE JURISPRUDENTIAL FOUNDATIONS OF CORPORATE AND COMMERCIAL LAW* (2000).
127. Of Coase and the Canon: Reflections on Law and Economics, in J.M. Balking & Sanford Levinson, *LEGAL CANONS* (2000).
128. Environmental Litigation After *Laidlaw*, 30 *Env. L. Rep.* 10516 (2000).
129. Do Theories of Statutory Interpretation Matter? A Case Study, 94 *Nw. L. Rev.* 1409 (2000).
130. Triangulating the Future of Reinvention: Three Emerging Models of Environmental Protection, 2000 *U. Ill. L. Rev.* 61 (2000).
131. Freedom of Expression, in American Bar Assoc., *COMMON LAW COMMON RIGHTS* (2000).
132. Courts, Statutes, and Public Policy: The Case of the Murderous Heir, 53 *SMU L. Rev.* 31 (2000).
133. Pledging a New Allegiance: An Essay on Sovereignty and the New Federalism, 75 *Notre Dame L. Rev.* 1133 (2000).
134. Beyond the Formalism Debate: Expert Reasoning, Fuzzy Logic, and Complex Statutes, 52 *Vand. L. Rev.* 1243 (1999) (with Edward S. Adams).
135. Afterword: Property and Free Speech, 93 *Nw. U. L. Rev.* 1239 (1999).
136. Stretching the Adjudicative Paradigm: Another Look at Judicial Policy Making and the Modern State, 24 *Law & Soc. Inquiry* 751 (1999).

137. Beyond All Criticism?, 83 *Minn. L. Rev.* 1735 (1999) (with S. Sherry).
138. Taking Slippage Seriously, 23 *Harv. Env. L. Rev.* 297 (1999).
139. Adjudication of Things Past: Reflections on History as Evidence, 49 *Hastings L. Rev.* 1009 (1998).
140. Environmental Federalism in a Global Economy, 83 *Va. L. Rev.* 1283 (1997).
141. Parody Lost/Paradigm Regained: The Ironic History of the Coase Theorem, 83 *Va. L. Rev.* 397 (1997).
142. Is the Supreme Court Irrelevant? Reflections on the Judicial Role in Environmental Law, 81 *Minn. L. Rev.* 547 (1997).
143. The Pariah Principle, 13 *Const. Comm.* 257 (1996) (with S. Sherry).
144. The Geographic Nexus in Environmental Law, 48 *Stan. L. Rev.* 1247 (1996).
145. Legal Storytelling and Constitutional Law: The Medium and the Message, in Gewirtz & Brooks, *LAW'S STORY*, (Yale University Press, 1996) (with S. Sherry).
146. Review Essay: Statutory Interpretation and the Idea of Progress, 94 *Mich. L. Rev.* 1546 (1996).
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98. Poverty, Earnings, and Discrimination, 2 *Const. Comm.* 13 (1985).

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101. Book Review, 77 *Nw. U. L. Rev.* 729 (1982) (review of A. Cox, FREEDOM OF EXPRESSION, and F. Haiman, SPEECH AND LAW IN A FREE SOCIETY).
102. Book Review, 66 *Minn. L. Rev.* 561 (1982) (review of C. Fried, CONTRACT AS PROMISE).
103. Commercial Speech and First Amendment Theory: A Critical Exchange, 75 *Nw. U. L. Rev.* 307 (1980).
104. Comment, Executive Privilege at the State Level, 1974 *U. Ill. L. F.* 631.
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NON-SCHOLARLY WRITINGS (Partial Listing)

1. Kavanaugh's Threat to Government Transparency and Accountability CPRBlog (July 18, 2018)(Center for Progressive Reform).
2. Beyond the Beltway: A Survey of State Climate and Energy Policies (CLEE Research Paper) (Feb. 2018).
3. Visiting Lecturer, Bocconi University (Milan) (2018)
4. Trump, EPA, and the Anti-Regulatory State (Jan. 24, 2018).
5. 200 Days and Counting: Environmental Law and the Trump Administration (CLEE Research Paper, August 2017) (With Eric Biber).
6. The Judicial Qualities of Neil Gorsuch, *San Francisco Daily Journal* (February 14, 2017).
7. Neil Gorsuch Might Stand Up Against Abuse of Power, *Daily Californian* (February 21, 2017).
8. About that Octopus in the Parking Garage, *Miami Herald* (Dec. 4, 2016) (with Rob Verchick).
9. Ruling Bolsters Climate Plan, *San Francisco Daily Journal* (Aug. 20, 2016).
10. Climate Plan Review Looms, *San Francisco Daily Journal* (July 11, 2016) (the Daily Journal is the state's leading paper for California lawyers).
11. The Court Revisits Preemption, *Environmental Forum* (April/May 2011).
12. White Paper, Making Good Use of Adaptive Management (Center for Progressive Regulation, 2011) (with Holly Doremus et al.).
13. A Typical Day of Environmental Suits, *Environmental Forum* (March/April 2011).
14. Changing Property, Changing Climate, *Environmental Forum* (Jan./Feb. 2011).

15. White Paper, California at the Cross-Roads: Proposition 23, A.B. 32, and Climate Change (Center for Law, Energy and Environment, UC Berkeley, 2010) (with Dan Kammen, et al.).
16. Litigating Climate Change Endangerment, *Environmental Forum* (Nov./Dec. 2010)
17. Proposition 23 and the Damage It would Do to California, *Los Angeles Times* (Oct. 4, 2010) (with R. Frank).
18. A Legal Framework for Climate Adaptation Assessment, *Resource for the Future Issue Brief* (2009).
19. Litigating Clean Air Endangerment, *The Environmental Forum*, Nov./Dec. 2010.
20. The “War Against Terrorism” and the Rule of Law, *Boalt Hall Transcript* 28 (Summer 2005).
21. And Welfare for All? *The Washington Monthly*, Sept. 2004, at 54.
22. Eco-Pragmatism: Environmental Regulation for the New Century, *University of Minnesota Law Alumni News* (Fall, 1999).
23. Book Review, *New York Times*, Apr. 19, 1999, at 18 (review of S. Holmes & C. Sunstein, THE COST OF RIGHTS).
24. The Miasma in Minnesota, *Trusteeship*, May/June, 1997, at 6.
25. Book Review, *New York Times*, Feb. 13, 1994, at 28 (review of R. Epstein, BARGAINING WITH THE STATE).
26. Supreme Court Columnist, *Trial Magazine* (1989-1992).
27. Corporate Punishment, *The New Republic*, Dec. 26, 1988, at 16.
28. Taking’ Liberties, *The New Republic*, June 27, 1988, at 19.
29. Book Review, *The New Republic*, Jan. 4, 1988, at 36 (review of M. Kelman, A GUIDE TO CRITICAL LEGAL THEORY).
30. A Case of Conflict: Religious Belief, Medicine and Civil Liability, 5 *Second Opinion* 58 (1987).
31. Book Review, *The Washington Monthly*, May 1987, at 52 (review of H. Schwartz, THE BURGER YEARS).
32. Environmental Law: Disdain for 17-Year-Old Statute Evident in High Court's Rulings, *National Law Journal*, May 4, 1987, at 18.
33. The Supreme Court in 2007: Charles Darwin Washoe III v. National Institute of Mental Health, *Minnesota*, March/April 1987, at 9; reprinted in R. Hardet, R. Cullen & L. Hardet, SOCIOLOGICAL CONCEPTS: A LITERARY READER (1986).
34. Too Clever By Half, *The New Republic*, Sept. 1, 1986, at 11.
35. Book Review, *Bench & Bar*, January 1986, at 37 (review of S. Ervin, PRESERVING THE CONSTITUTION).
36. Illinois Venue Law and the Consumer, 63 *Ill. B. J.* 440 (1975) (with H. Harper).

SELECTED PRESENTATIONS

1. "Climate Change Litigation," Joint Judicial Conference and Environmental Law Institute Session on Climate Science for Judges, University of Chicago, Dec. 6, 2019.
2. "Climate Policy in East and Southeast Asia," Conference on Climate Policy in the Asia Pacific, UC Berkeley, Sept. 19, 2019.
3. "Climate Change and the Electric Grid," Australian Centre for Climate and Environmental Law's 2019 Distinguished Speaker Address, University of Sydney, Aug. 7, 2019.
4. "Regulatory Assessment in the Trump Administration," Northwestern University Law School, Nov. 30, 2018.
5. "Continuity and Transformation in Environmental Law," Conference on New Paradigms in Environmental Law, University of Arizona, Jan. 18, 2019.
6. "Climate Policy Under Trump," Tskuba University (Tokyo), Dec. 7, 2018.
7. "Climate Change as a Global Problem," Meiji Gaikun University (Tokyo), Dec. 5, 2018.
8. "Regulatory Assessment Under Trump," Conference on Administrative Law Under Trump, Chicago-Kent Law School, Nov. 30, 2018.
9. "National and Subnational Climate Governance," Conference on Climate Policy in East Asia, Taipei National University (Taiwan), Nov. 6, 2018.
10. "Presidential Power and Individual Rights," Taiwan Supreme Court, Nov. 7, 2018.
11. "Climate Change Litigation," UNISINOS (Porto Alegre, Brazil), Aug. 12, 2018.
12. "Trump and the Environment," UNISINOS (Porto Alegre, Brazil), Aug. 14, 2018.
13. "Disaster Issues and Environmental Justice," University of Puerto Rico, May 4, 2018.
14. "The Chevron Doctrine and the Trump Administration," Tskuba University (Tokyo campus), March 16, 2018.
15. "Murr v. Wisconsin and the Future of Takings Law," Vanderbilt University (Feb. 19, 2018).
16. "Going Private: Environmental Law and Private Governance" (Feb. 19, 2018).
17. "Free Speech on Campus," Claremont McKenna College (Feb. 9, 2018).
18. "Key Note Address: Constitutional Amendments – A U.S. Perspective," Korean Law Reform Institute (Seoul, Feb. 2, 2018).
19. "Environmental Law," Symposium on the Trump Administration and Federal Regulation, Hastings Law School (Nov. 17, 2017).
20. "Trump and Presidential Administration," Northwestern University Law School Faculty Workshop (Oct. 2, 2017).
21. "Trump and Presidential Administration," Hastings Law School Faculty Workshop (Sept. 12, 2017)

22. "Lincoln and the Constitution," Lincoln University School of Law, Knoxville TN (October 27, 2016).
23. "The First Amendment and Academic Freedom on Campus," UC Berkeley Baxter Library Initiative (November 2, 2016).
24. "Judicial Deference to Agencies," Conference on Judicial Deference, George Mason University (June 1, 2017, 2016).
25. "Comments on José Serna de Law Garza, Current Issues in Mexico's Federal System," UNAM, Mexico City (April 28, 2017).
26. "Environment Impact Assessment for the 21st Century: What Have We Learned Since 1970?" Korea Environmental Law Society (December 9, 2016).
27. "Fossilisation and Adaptation in Polycentric Governance Systems," Newcastle University (July 12, 2016).
28. "The Implementation Gap in Environmental Law," Conference on Pathways to a Clean Environmental, Tsinghua University (June 14, 2016) (by Skype).
29. "Judicial Humility and *Chevron*," Public Policy Conference on Revising Judicial Deference: History, Structure, and Accountability, George Mason University (June 1, 2016).
30. "The Implementation Gap in Environmental Law," Seoul National University (May 30, 2016).
31. "Harm to Nature as Legal Injury," Korean Environmental Law Society (May 28, 2016).
32. "The BP Oil Spill and Corporate Liability," Conference for Judges and Prosecutors, Porto Alegre, Brazil (April 29, 2016).
33. "Climate Change and International Disaster Law," UNSINOS (Brazil) (at two different campuses, Porto Alegre on April 26, 2016 and Sao Leopoldo on April 27, 2016).
34. "Agencies as Adversaries," George Mason University (March 16, 2016)
35. The Implementation Gap in U.S. Law, University of Chicago (March 4, 2016).
36. Visiting Professor, University of Parma (Feb. 15-28, 2016).
37. Disaster Law and Climate Change, Meigun Gaijun University (Tokyo) (Jan. 23, 2016).
38. Master Class for Graduate Students, Tskuba University (Tokyo) (Jan. 21, 2016).
39. "Back to the Future: Issue 1 and the Evolution of American Legal Scholarship," Standing on the Shoulders of Giants: Celebrating 100 Volumes of the Minnesota Law Review (Keynote Address) (October 2, 2015).
40. "Disaster Law in the Anthropocene," at conference on "How Can International Environmental Law Reduce Disaster Risk?" Stanford Law School (May 21, 2015).
41. Guest Lecturer on Energy Law, University of Calgary (March 22, 2015).
42. "Citizen Participation in Environmental Decisions: A U.S. Perspective," International Workshop on Environmental Policy-Making Instruments Based on Citizen Participation, Osaka University (March 8, 2015).

43. "From Sources to Systems," at conference on "Reconceptualizing the Future of Environmental Law," Pace Law School (March 30, 2015).
44. "The Lost World of Administrative Law," Association of American Law Schools Panel on Administrative Law (January 1, 2015).
45. "Measuring the Shadow of Future Disasters: Discounting, Inequality and Catastrophic Risks," Copenhagen University (December 11, 2014).
46. Commentator, Harvard/Stanford/Yale Junior Faculty Forum, Stanford Law School (June 27, 2014).
47. "Discounting, Inequality, and Catastrophic Risks," University of Illinois (April 7, 2014).
48. "Climate Change and Property Rights," Florida State University (Feb. 28, 2014) (endowed lecture).
49. "The Lost World of Administrative Law," Florida State University (Feb. 27, 2014).
50. "'Beyond Our Imagination': Combatting Blindspots Regarding Catastrophic Risks," University of Michigan Law School (Feb. 10, 2014).
51. "The Evolution of U.S. Climate Law," JDS International Seminar (January 23, 2014).
52. "Climate Law in a System of Divided Powers," Meijing Gakuin University (Tokyo) (January 22, 2014).
53. "The Use of Foreign Law in Constitutional Interpretation," Conference on Legal Scholarship, Peking University (Nov. 14, 2013).
54. "Key Note Address: Constitutional Law in the 21st Century," Loyola (Chicago) Law School (Nov. 2, 2012).
55. "Key Note Address: Climate Change as an Extreme Sport," University of Sydney (Dec. 10, 2012).
56. "Disaster Law," AALS Workshop on Torts, Environment and Disaster, Oakland, CA (June 9, 2012).
57. "Cadenças Constitucionais," 9th Congresso Internacional De Direito Constitucional, Natale, Brazil (Apr. 29, 2011).
58. "Citizenship, Secession, and the Fourteenth Amendment," Panel on Legal History, American Association of Law Schools (Jan. 8, 2011).
59. "Preemption Overview," Uniform Law Commissioners Conference on Federalism and State Law, Wash., D.C., (Oct. 2010).
60. "Tightening the Focus for Adaptation Planning," Journal of Environmental Law Lecture, London (Dec. 6, 2010).
61. "Developments in the Law of Preemption." Uniform Law Commissioners, D.C. (Oct. 29, 2010).
62. "Uncertainty," Cornell Law School (April 30, 2010).
63. "Uncertainty and Indirect Land Use Change," Conference on Biofuels and the Law, Energy Biosciences Institute, University of Illinois (April 9, 2010).
64. "Uncertainty," University of Chicago Law School (April 1, 2010).

65. "Climate Change Adaptation and Federalism," Association of American Law Schools Session on Environmental Law, New Orleans (Jan. 10, 2010).
66. "Global Warming in the Law," Office of the Judiciary, Thailand (August 6, 2009).
67. "Climate Adaptation: Issues of Governance Scale," University of Oslo (Sept. 25, 2009).
68. "American Climate Law," University of Oslo (Sept. 23, 2009).
69. "Energy Justice Research at Berkeley," Conference on Energy Justice, University of Colorado Center for Environment and Energy Security (Oct. 12, 2009).
70. "Introduction," Festschrift in Honor of Philip Frickey, UC Berkeley Law School (April 24, 2009).
71. "Habeas, the War on Terror and the Constitution," UC Davis Law School, Conference on the Honorable John Paul Stevens (March 6, 2009).
72. "Who had the Greater Impact on American Law: Lincoln or Darwin?," Pepperdine Law School (Feb. 2, 2009).
73. "The Authors' Perspective," Sherry-Farber Book Panel, Vanderbilt Law School (Oct. 23, 2009).
74. "Climate Change and Water Planning," 27th Annual ABA Water Law Conf. (Feb. 29, 2009).
75. "Climate Adaptation and Federalism," San Diego Climate and Energy Law Symposium (Feb. 20, 2009).
76. "Financing Adaptation and Innovation," University of Hastings College of Law (April 3, 2008).
77. "Defining the Terms of Engagement," conference on "The American Presidency at War," UC Berkeley, (Sept. 19, 2008).
78. "Disaster Law," Universidade Federal Do Parana-UFPR-Brazil (June 4, 2008).
79. "Tort Law and Catastrophic Risks," Waseda University (Tokyo) (March 16, 2008).
80. "Apportioning the Costs of Climate Change," UCLA Conference on Changing Climates (Jan. 25, 2008).
81. "Constitutional Limits on State Climate Regulation," University of Arizona Rehnquist Center (Feb. 11, 2008).
82. "Tort Law in the Age of Climate Change, 9/11, and Katrina," Quincy Endowed Lecture, University of Utah Law School (Feb. 12, 2008).
83. "Environmental Cooperation and U.S. Federalism," in UC Berkeley Conference on EU-California Regulatory Cooperation (Feb. 23, 2008).
84. "Bong Hits 4 the Constitution: Free Speech Rights of Students Today," Constitution Day Speakers Forum, Free Speech Movement Café (Sept. 18, 2007).
85. "First Amendment Basics and Free Speech Issues at Large-Scale Events," Minnesota Civil Liberties Union (July 19, 2007).
86. "Compensating the Victims of Climate Change," Okayama University (Oct. 13, 2007).

87. "Rebuilding after Disasters," KGU University, Kobe, Japan (Oct. 27, 2007).
88. "Global Warming and the United States: Will America Act?," MGU University, Tokyo (Oct. 18, 2007).
89. "Does Musharraf's Comparison to Lincoln Hold Up?," Op. Ed., National Public Radio (Nov. 6, 2007).
90. "State Initiatives: California and Regional Greenhouse Gas Initiatives," UC Berkeley Conference on "Cap and Trade as a Tool for Climate Change Policy: Design and Implementation" (Feb. 23, 2007).
91. "Basic Compensation for Victims of Climate Change," University of Pennsylvania Law School (November 17, 2006).
92. "Ecosystems and Natural Disasters," ABA Standing Committee on Environmental Law (June 9, 2006).
93. "Reinventing Flood Control," Loyola University (New Orleans) (August 25, 2006).
94. "The Need for Resilience," Conference on California Delta and Levee Risk (Sept. 28, 2006).
95. "Reinventing Flood Control," Tulane Law School (Oct. 13, 2006).
96. "Environmental Slippage," Tel Aviv University (Dec. 17, 2006).
97. "Equal Protection and Backward-Looking Statutes: The Case of Black Reparations," Fordham Law School, (October 1, 2005).
98. "The Legal Dimensions of Hurricane Katrina," William Mitchell Law School (Dec. 8, 2005).
99. "Was *Roe v. Wade* Arbitrary and Capricious?," Vanderbilt University Law School (April 21, 2005).
100. "Desperately Seeking Certainty: The Misguided Quest for Constitutional Foundations," Institute for Governmental Studies (Berkeley) (April 8, 2005).
101. "The Independent Counsel Case," Conference on the Rehnquist Legacy, Indiana University (Bloomington) (April 2, 2005).
102. "Historical Perspectives on the War on Terror," Russell Sage Foundation (March 22, 2005).
103. "Environmental Enforcement and Compliance: An American Perspective," Daito Bunka Law School, Tokyo (March 21, 2005).
104. "Another View of the Quagmire: An Economic Perspective on the Unconstitutional Conditions Doctrine," Florida State University (March 15, 2005).
105. "Was *Roe v. Wade* Arbitrary and Capricious?," University of Missouri Law School (February 25, 2005).
106. "Lincoln's Constitutional Legacy," before the Abraham Lincoln Society, Springfield, Illinois (February 12, 2005).
107. "The Rule of Law and the War Against Terrorism," University College London (January 27, 2005).
108. "Conflicting Visions and Contested Baselines: Intellectual Property and Free Speech in the 'Digital Millennium,'" Symposium on Law, Information and Freedom of Expression, University of Minnesota Law School (October 22, 2004).

109. "Full Court Press," Boalt All-Alumni Reunion (October 2, 2004).

110. "U.S. Supreme Court, 2003-2004 Term: Review of Environmental Decisions," Environmental Law Section of the Bar of San Francisco (Sept. 30, 2004).

111. Visiting Lecturer: Catholic University, Lisbon (2007-2008); Bocconi University, Milan (2005-2017)