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27. "Nor Long Remember," 18 *Const. Comm.* 423 (2001) (review of George P. Fletcher, OUR SECRET CONSTITUTION: HOW LINCOLN REDEFINED AMERICAN DEMOCRACY.

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32. Response: Green Scholarship – An Oxymoron?, 3 *The Green Bag* 231 (2000).

33. Book Review, 19 *J. of Policy Analysis and Management* 650 (2000) (review of Jerry L. Mashaw, GREED, CHAOS, AND GOVERNANCE: USING PUBLIC CHOICE TO IMPROVE PUBLIC LAW).

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35. The Death of Contra, 52 *Stan. L. Rev*. 889 (2000) (with Jim Chen) (under the name of "Gil Grantmore").

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37. Measuring First Amendment Value: Rebraf's First Chronicle, 17 *Const. Comm.* 3 (2000).

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41. The Legal 100, 35-May Trial 90.

42. Is American Law Inherently Racist? 15 *Cooley L. Rev.* 361 (1999) (with Richard Delgado).

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44. Legal Formalism and the Red-Hot Knife, 597 *U. Chi. L. Rev.* 597 (1999).

45. *Reserve Mining* Revisited, 83 *Minn. L. Rev.* 219 (1998).

46. Book Review, 15 *Const. Comm.* 571 (1998) (review of D. Rabban, FREE SPEECH IN ITS FORGOTTEN YEARS).

47. Public Choice Revisited, 96 *Mich. L. Rev.* 1715 (1998) (with P. Frickey) (review of Maxwell L. Stearns, PUBLIC CHOICE AND PUBLIC LAW: READINGS AND COMMENTARY).

48. Constitutional Oddities, 15 *Const. Comm.* 211 (1998).

49. Saving Overton Park: A Comment on Environmental Values, 146 *U. Penn. L. Rev.* 1671 (1998).

50. Whither Socialism (Symposium: The New Private Law), 73 *Denv. L. Rev.* 1011 (1996).

51. The Coase Theorem and the Eleventh Amendment, 13 *Const. Comm.* 141 (1996).

52. The Hermeneutic Tourist, 81 *Cornell L. Rev.* 513 (1996) (review of D. MacCormick and R. Summers, INTERPRETING STATUTES: A COMPARATIVE STUDY).

53. The Dead Hand of the Architect, 19 *Harv. J. of L. & Pub. Pol'y* 245 (1996).

54. The Ages of American Formalism, 90 *Nw. U. L. Rev.* 89 (1995).

55. Poverty and Discrimination: Notes on AMERICAN APARTHEID, 11 *Const. Comm.* 455 (1994-95).

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59. Review Essay: Revitalizing Regulation, 91 *Mich. L. Rev.* 1278 (1993).

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61. Book Review, 10 *Const. Comm.* 510 (1993) (review of Innes, PRIVACY, INTIMACY, AND ISOLATION).

62. Book Review, 76 *Pub. Choice* 384 (1993) (review of Paul, Miller, and Paul, ECONOMIC RIGHTS).

63. The Scholarly Attorney as Lawyerly Judge: Stevens on Statutes, 1992/1993 *Annual Survey of American Law* xxxviii (1993).

64. The Jurisprudential Cab Ride, 1992 *BYU L. Rev.* 363 (reprinted in *Trial*, July, 1992 at 102).

65. "Terminator 2 1/2 ": The Constitution in an Alternate World, 9 *Const. Comm.* 59 (1992).

66. Environmental Regulation, and Taking of Property, in ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION (Supp., 1991).

67. The Deconstructed Grocery List, 7 *Const. Comm.* 213 (1990).

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70. The Man Who Mistook His Life For a Plant, 63 *Tul. L. Rev.* 1445 (1989).

71. *Richmond* and Republicanism, 41 *U. Fla. L. Rev.* 623 (1989).

72. Democracy and Disgust: A Comment on Public Choice, 65 *Chi. Kent L. Rev.* 161 (1989).

73. Book Review, 6 *Const. Comm*. 564 (1989) (review of W. Nelson, THE FOURTEENTH AMENDMENT).

74. The Constitution and the U.C.C., 6 *Const. Comm.* 217 (1989).

75. The Bush Court, 6 *Const. Comm.* 13 (1989).

76. Integrating Public Choice and Public Law: A Reply to DeBow and Lee, 66 *Tex. L. Rev.* 1013 (1988) (with P. Frickey).

77. The Zapp Complex, 5 *Const. Comm.* 13 (1988).

78. Constitutional Scholarship: What Next?, 5 *Const. Comm.* 71 (1988).

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80. Two Cheers for Warren Burger, 4 *Const. Comm.* 1 (1987).

81. The Law and Economics Movement, in 4 RESEARCH IN SOCIAL PROBLEMS AND PUBLIC POLICY 21 (M. Lewis & J. Miller, eds., 1987).

82. Gresham's Law of Legal Scholarship, 3 *Const. Comm.* 307 (1986).

83. Economic Analysis of Abortion, 3 *Const. Comm.* 1 (1986); reprinted in *The New Republic*, July 14, 1986 at 15.

84. Book Review, 3 *Const. Comm.* 282 (1986) (review of G. Calabresi, IDEALS, BELIEFS, ATTITUDES AND THE LAW).

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86. Poverty, Earnings, and Discrimination, 2 *Const. Comm.* 13 (1985).

87. Book Review, 1 *Const. Comm.* 376 (1984) (review of J. Baer, EQUALITY UNDER THE CONSTITUTION).

88. Book Review, 67 *Minn. L. Rev.* 1328 (1983) (review of P. Bobbitt, CONSTITUTIONAL FATE).

89. 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).

90. Book Review, 66 *Minn. L. Rev.* 561 (1982) (review of C. Fried, CONTRACT AS PROMISE).

91. Commercial Speech and First Amendment Theory: A Critical Exchange, 75 *Nw. U. L. Rev.* 307 (1980).

92. Comment, Executive Privilege at the State Level, 1974 *U. Ill. L. F.* 631.

93. Comment, Federal Regulation of Pyramid Sales Schemes, 1974 *U. Ill. L. F.* 137.

NON-SCHOLARLY WRITINGS (Partial Listing)

1. The Court Revisits Preemption, *Environmental Forum* (April/May 2011).

2. White Paper, Making Good Use of Adaptive Management (Center for Progressive Regulation, 2011) (with Holly Doremus et al.).

3. A Typical Day of Environmental Suits, *Environmental Forum* (March/April 2011).

4. Changing Property, Changing Climate, *Environmental Forum* (Jan./Feb. 2011).

5. 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.).

6. Litigating Climate Change Endangerment, *Environmental Forum* (Nov./Dec. 2010)

7. Proposition 23 and the Damage It would Do to California, *Los Angeles Times* (Oct. 4, 2010) (with R. Frank).

8. A Legal Framework for Climate Adaptation Assessment, *Resource for the Future Issue Brief* (2009).

9. Litigating Clean Air Endangerment, *The Environmental Forum*, Nov./Dec. 2010.

10. The "War Against Terrorism" and the Rule of Law, *Boalt Hall Transcript* 28 (Summer 2005).

11. And Welfare for All? *The Washington Monthly*, Sept. 2004, at 54.

12. Eco-Pragmatism: Environmental Regulation for the New Century, *University of Minnesota Law Alumni News* (Fall, 1999).

13. Book Review, *New York Times*, Apr. 19, 1999, at 18 (review of S. Holmes & C. Sunstein, THE COST OF RIGHTS).

14. The Miasma in Minnesota, *Trusteeship*, May/June, 1997, at 6.

15. Book Review, *New York Times*, Feb. 13, 1994, at 28 (review of R. Epstein, BARGAINING WITH THE STATE).

16. Supreme Court Columnist, *Trial* Magazine (1989-1992).

17. Corporate Punishment, *The New Republic*, Dec. 26, 1988, at 16.

18. Taking' Liberties, *The New Republic*, June 27, 1988, at 19.

19. Book Review, *The New Republic*, Jan. 4, 1988, at 36 (review of M. Kelman, A GUIDE TO CRITICAL LEGAL THEORY).

20. A Case of Conflict: Religious Belief, Medicine and Civil Liability, 5 *Second Opinion* 58 (1987).

21. Book Review, *The Washington Monthly*, May 1987, at 52 (review of H. Schwartz, THE BURGER YEARS).

22. Environmental Law: Disdain for 17-Year-Old Statute Evident in High Court's Rulings, *National Law Journal*, May 4, 1987, at 18.

23. 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).

24. Too Clever By Half, *The New Republic*, Sept. 1, 1986, at 11.

25. Book Review, *Bench & Bar*, January 1986, at 37 (review of S. Ervin, PRESERVING THE CONSTITUTION).

26. Illinois Venue Law and the Consumer, 63 *Ill. B. J.* 440 (1975) (with H. Harper).

SELECTED PRESENTATIONS

1. "Disaster Law in the Anthropocene," at conference on "How Can International Environmental Law Reduce Disaster Risk?" Stanford Law School (May 21, 2015).

2. Guest Lecturer on Energy Law, University of Calgary (March 22,2015).

3. "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).

4. "From Sources to Systems," at conference on "Reconceptualizing the Future of Environmental Law," Pace Law School (March 30, 2015).

5. "The Lost World of Administrative Law," Association of American Law Schools Panel on Administrative Law (January 1, 2015).

6. "Measuring the Shadow of Future Disasters: Discounting, Inequality and Catastrophic Risks," Copenhagen University (December 11, 2014).

7. Commentator, Harvard/Stanford/Yale Junior Faculty Forum, Stanford Law School (June 27, 2014).

8. "Discounting, Inequality, and Catastrophic Risks," University of Illinois (April 7, 2014).

9. "Climate Change and Property Rights," Florida State University (Feb. 28, 2014) (endowed lecture).

10. "The Lost World of Administrative Law," Florida State University (Feb. 27, 2014).

11. "'Beyond Our Imagination': Combatting Blindspots Regarding Catastrophic Risks," University of Michigan Law School (Feb. 10, 2014).

12. "The Evolution of U.S. Climate Law," JDS International Seminar (January 23, 2014).

13. "Climate Law in a System of Divided Powers," Meijing Gakuin University (Tokyo).

14. "The Use of Foreign Law in Constitutional Interpretation," Conference on Legal Scholarship, Peking University (Nov. 14, 2013).

15. "Key Note Address: Constitutional Law in the 21st Century," Loyola (Chicago) Law School (Nov. 2, 2012)

16. "Key Note Address: Climate Change as an Extreme Sport," University of Sydney, Dec. 10, 2012.

17. "Disaster Law," AALS Workshop on Torts, Environment and Disaster, Oakland, CA, June 9, 2012.

18. "Cadenzas Constitucionais," 9th Congresso Internacional De Direito Constitucional, Natale, Brazil, Apr. 29, 2011.

19. "Citizenship, Secession, and the Fourteenth Amendment," Panel on Legal History, American Association of Law Schools, Jan. 8, 2011.

20. "Preemption Overview," Uniform Law Commissioners Conference on Federalism and State Law, Wash., D.C., Oct. 2010.

21. "Tightening the Focus for Adaptation Planning," Journal of Environmental Law Lecture, London, Dec. 6, 2010.

22. "Developments in the Law of Preemption." Uniform Law Commissioners, D.C., Oct. 29, 2010.

23. "Uncertainty," Cornell Law School, April 30, 2010.

24. "Uncertainty and Indirect Land Use Change," Conference on Biofuels and the Law, Energy Biosciences Institute, University of Illinois, April 9, 2010.

25. "Uncertainty," University of Chicago Law School, April 1, 2010.

26. "Climate Change Adaptation and Federalism," Association of American Law Schools Session on Environmental Law, New Orleans, Jan. 10, 2010.

27. "Global Warming in the Law," Office of the Judiciary, Thailand, August 6, 2009.

28. "Climate Adaptation: Issues of Governance Scale," University of Oslo, Sept. 25, 2009.

29. "American Climate Law," University of Oslo, Sept. 23, 2009.

30. "Energy Justice Research at Berkeley," Conference on Energy Justice, University of Colorado Center for Environment and Energy Security, Oct. 12, 2009.

31. "Introduction," Festschrift in Honor of Philip Frickey, UC Berkeley Law School, April 24, 2009.

32. "Habeas, the War on Terror and the Constitution," UC Davis Law School, Conference on the Honorable John Paul Stevens, March 6, 2009.

33. "Who had the Greater Impact on American Law: Lincoln or Darwin?", Pepperdine Law School, Feb. 2, 2009.

34. "The Authors' Perspective," Sherry-Farber Book Panel, Vanderbilt Law School, Oct. 23, 2009.

35. "Climate Change and Water Planning," 27th Annual ABA Water Law Conf., Feb. 29, 2009

36. "Climate Adaptation and Federalism," San Diego Climate and Energy Law Symposium, Feb. 20, 2009.

37. "Financing Adaptation and Innovation," University of Hastings College of Law, April 3, 2008

38. "Defining the Terms of Engagement," conference on "The American Presidency at War," UC Berkeley, Sept. 19, 2008.

39. "Disaster Law," Universidade Federal Do Parama-UFPR-Brazil, June 4, 2008.

40. "Tort Law and Catastrophic Risks," Waseda University (Tokyo), March 16, 2008

41. "Apportioning the Costs of Climate Change," UCLA Conference on Changing Climates, Jan. 25, 2008

42. "Constitutional Limits on State Climate Regulation," University of Arizona Rehnquist Center, Feb. 11, 2008

43. "Tort Law in the Age of Climate Change, 9/11, and Katrina," Quincy Endowed Lecture, University of Utah Law School, Feb. 12, 2008

44. "Environmental Cooperation and U.S. Federalism," in UC Berkeley Conference on EU-California Regulatory Cooperation, Feb. 23, 2008

45. "Bong Hits 4 the Constitution: Free Speech Rights of Students Today," Constitution Day Speakers Forum, Free Speech Movement Café, Sept. 18, 2007

46. "First Amendment Basics and Free Speech Issues at Large-Scale Events," Minnesota Civil Liberties Union, July 19, 2007

47. "Compensating the Victims of Climate Change," Okayama University, Oct. 13, 2007

48. "Rebuilding after Disasters," KGU University, Kobe, Japan Oct. 27, 2007

49. "Global Warming and the United States: Will America Act?", MGU University, Tokyo, Oct. 18, 2007

50. "Does Musharraf's Comparison to Lincoln Hold Up?", Op. Ed., National Public Radio, Nov. 6, 2007.

51. "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.

52. "Basic Compensation for Victims of Climate Change," University of Pennsylvania Law School, November 17, 2006.

53. "Ecosystems and Natural Disasters", ABA Standing Committee on Environmental Law, June 9, 2006.

54. "Reinventing Flood Control," Loyola University (New Orleans), August 25, 2006.

55. "The Need for Resilience," Conference on California Delta and Levee Risk, Sept. 28, 2006.

56. "Reinventing Flood Control," Tulane Law School, Oct. 13, 2006.

57. "Environmental Slippage," Tel Aviv University, Dec. 17, 2006.

58. "Equal Protection and Backward-Looking Statutes: The Case of Black Reparations," Fordham Law School, October 1, 2005.

59. "The Legal Dimensions of Hurricane Katrina," William Mitchell Law School, Dec. 8, 2005.

60. "Was *Roe v. Wade* Arbitrary and Capricious?" Vanderbilt University Law School, April 21, 2005.

61. "Desperately Seeking Certainty: The Misguided Quest for Constitutional Foundations," Institute for Governmental Studies (Berkeley), April 8, 2005.

62. "The Independent Counsel Case," Conference on the Rehnquist Legacy, Indiana University (Bloomington), April 2, 2005.

63. "Historical Perspectives on the War on Terror," Russell Sage Foundation, March 22, 2005.

64. "Environmental Enforcement and Compliance: An American Perspective," Daito Bunka Law School, Tokyo, March 21, 2005.

65. "Another View of the Quagmire: An Economic Perspective on the Unconstitutional Conditions Doctrine," Florida State University, March 15, 2005.

66. "Was *Roe v. Wade* Arbitrary and Capricious?" University of Missouri Law School, February 25, 2005.

67. "Lincoln's Constitutional Legacy," before the Abraham Lincoln Society, Springfield, Illinois, February 12, 2005.

68. "The Rule of Law and the War Against Terrorism," University College London, January 27, 2005.

69. "Conflicting Visions and Contested Baselines: Intellectual Property and Free Speech in the 'Digital Millenium,'" Symposium on Law, Information and Freedom of Expression, University of Minnesota Law School, October 22, 2004.

70. "Full Court Press," Boalt All-Alumni Reunion, October 2, 2004.

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

72. Visiting Lecturer: Catholic University, Lisbon (2007-2008); Bocconi University, Milan.(2005-2013)