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Professional Background

Stanford Law School

Vice-Dean

Robert E. Paradise Professor of Natural Resources Law

Academic Director, Environmental and Natural Resources Law & Policy Program

Principal subjects: environmental, natural resources, water resources, and property

Stanford Institute for International Studies

Senior Fellow (by courtesy)

Stanford Interdisciplinary Graduate Program in Environment & Science

Faculty Executive Committee

Hoover Institution for War, Revolution, and Peace, Stanford University

Visiting Fellow (Spring 1999)

O'Melveny & Myers, Los Angeles

Partner (1984-1986)

Associate (1978-1983)

University of California at Los Angeles

Instructor (1980-1983: water resources)

United States Supreme Court (1977-1978)

Law clerk to Justice William H. Rehnquist

United States Court of Appeals, San Francisco (1976-1977)

Law clerk to Judge Joseph T. Sneed

Educational Background

Stanford Law School, J.D. 1976
Stanford Business School, M.B.A. 1976
Stanford University, A.B. 1972 (economics)

Books

ENVIRONMENTAL LAW & POLICY: CONCEPTS AND INSIGHTS (in press) (Foundation Press) (with James Salzman)

LEGAL CONTROL OF WATER RESOURCES (3d ed. 2000) (West Group) (with Joseph Sax, John Leshy, and Robert Abrams)

REAL PROPERTY (2d ed., in progress, expected publication in Fall 2003) (Foundation Press) (with Paul Goldstein)

Articles & Book Chapters

Providing Biodiversity Through Policy Diversity, 38 IDAHO L. REV. 355 (2002)

Conservation Options: Toward a Greater Private Role, 21 VA. ENVTL. L.J. 245 (2002)

Protecting Ecosystem Services: Science, Economics, and Law, 20 STAN. ENVTL. L.J. 309 (2001)
(with James Salzman and Gretchen C. Daily)

Markets for Nature, 25 WM. & MARY ENVTL. L. & POL'Y REV. 261 (2000)

Tragically Difficult: The Obstacles to Governing the Commons, 30 ENVTL. L. 241 (2000)

The Continuing Innovation of Citizen Enforcement, 2000 U. ILL. L. REV. 185

The Allure of Consequential Fit, 51 ALA. L. REV. 1261 (2000)

Water Allocation and Protection: A United States Case Study, in EARTH SYSTEMS: PROCESSES AND ISSUES (W.G. Ernst ed., 2000)

People or Prairie Chickens: The Uncertain Search for Optimal Biodiversity, 51 STAN. L. REV. 1127 (1999)

Endangered Species, in THE NEW PALGRAVE DICTIONARY OF ECONOMICS & LAW (1998)

Water Law as a Pragmatic Exercise: Professor Joseph Sax's Water Scholarship, 25 ECOLOGY L.Q. 363 (1998)

- Water Federalism: Governmental Competition and Conflict Over Western Waters*, in ENVIRONMENTAL FEDERALISM (Terry L. Anderson & Peter J. Hill eds. 1997)
- The Endangered Species Act: A Case Study in Takings & Incentives*, 49 STAN. L. REV. 601 (1997)
- Environmental Policy and State Constitutions: The Potential Role of Substantive Guidance*, 27 RUTGERS L.J. 863 (1996)
- Resource Use and the Emerging Law of "Takings": A Realistic Appraisal*, 42 ROCKY MT. MIN. L. INST. 2-1 (1996)
- Water Markets and the Problem of Shifting Paradigms*, in WATER MARKETING--THE NEXT GENERATION (Terry L. Anderson & Peter J. Hill, eds. 1996)
- Legal Disconnections Between Ground and Surface Water*, in MAKING THE CONNECTIONS: PROCEEDINGS OF THE TWENTIETH BIENNIAL CONFERENCE ON GROUND WATER (Univ. Cal. Water Resources Center Report No. 88, June 1966)
- Foreword: The Search for Regulatory Alternatives*, 15 STAN. ENVTL. L.J. viii (1996)
- Environmental Policy and the State Constitution*, in CONSTITUTIONAL REFORM IN CALIFORNIA: MAKING STATE GOVERNMENT MORE EFFECTIVE AND RESPONSIVE (Institute of Governmental Studies Press, University of California 1995)
- Takings and Water Rights*, in WATER LAW: TRENDS, POLICIES, AND PRACTICE (American Bar Assn. 1995)
- Foreword*, in STRATEGIES FOR ENVIRONMENTAL ENFORCEMENT (Stanford Environmental Law Society 1995)
- Institutional Perspectives on Water Policy and Markets*, 81 CALIF. L. REV. 671 (1993)
- A History of the "Judicial Impairment Doctrine" and Its Lessons for the Contract Clause*, 44 STAN. L. REV. 1373 (1992)
- A Comment on Economic Analysis and Just Compensation*, 12 INT'L REV. L. & ECON. 141 (1992)
- Judicial Takings*, 76 VA. L. REV. 1449 (1990)
- Water Law and the Development of Geothermal Resources*, 14 NAT. RESOURCES LAW. 635 (1982) (with Owen Olpin)

Income From the Discharge of Indebtedness: The Progeny of United States v. Kirby Lumber, 66 CALIF. L. REV. 1159 (1979) (with Boris I. Bittker)

Injunction Negotiations: An Economic, Moral, and Legal Analysis, 27 STAN. L. REV. 1563 (1975)

Studies

A Model Water Transfer Act for California (California Business Roundtable, May 1996) (with Brian E. Gray, Richard Howitt, Lawrence J. MacDonnell, & Henry J. Vaux, Jr.)

An Economic Analysis of Water Availability in California Central Valley Agriculture (Stanford University, Center for Economic Policy Research, February 1992) (with Sandra Archibald)

Professional Publications & Newspapers

Wheeling Wars, WATER STRATEGIST (July/Aug. 2000)

Will Reserved Rights Federalize Groundwater?, WATER STRATEGIST (Feb. 2000)

Privatization of the Municipal Water Industry, LOOKING AHEAD (May/June 1999)

MWD's Ill-Advised Broadside on Agricultural Water Rights, WATER STRATEGIST (Feb. 1999)

Selected Speeches & Presentations

Water and Land Use (Conference on Wet Growth, Chapman Law School, Orange, California, February 2003)

The Trouble with Time (Conference on Private Land Conservation, Big Sky, Montana, December 2002)

Learning to Love Penn Central: The Lessons of Tahoe-Sierra Preservation Council (5th Annual Conference on Litigating Regulatory Takings Claims, Berkeley, California, October 2002)

Constitutionalizing the Environment (Conference on the 30th Anniversary of the Montana Constitution, Missoula, Montana, September 2002)

Balance and Conflict: Environmental Challenges Facing the Western United States (panel discussion at the Ninth Circuit Judicial Conference, Big Sky, Montana, July 2001, reproduced at 14 Western Leg. Hist. 43 (2001))

Using Water More Efficiently: Opportunities for Water Conservation (Conference on Two Decades of Water Law and Policy Reform: A Retrospective and Agenda for the Future, University of Colorado, Boulder, Colorado, June 13, 2001)

Preserving Watersheds to Preserve Water Quality: The New York City Example (11th Natural Resources Law Teachers Institute, Estes Park, Colorado, June 1, 2001)

Tragically Difficult: Managing the Nation's Fisheries (Invited Presentation, Donald Bren School of Environmental Science and Management, Santa Barbara, California, May 11, 2001)

Wheeling Water: Issues and Possible Solutions (Conference on California Water Law, CLE International, San Francisco, California, April 6, 2001)

Using Ecosystem Services to Preserve Watersheds (Conference on Ecosystem Services, Stanford Law School, Stanford, California, November 16, 2001)

Privatization of Municipal Water Supplies (Conference on Competitiveness of Municipal Water and Wastewater Enterprises, Urban Water Institute, San Francisco, California, November 13, 2001)

Borders and the Environment (Distinguished Visiting Scholar Lecture, Florida State University, Tallahassee, Florida, October 25, 2000)

Conservation Options: Toward a Greater Private Role (Conference on Saving Nature: Theories, Tools, and Strategies in Environmental Conservation, University of Virginia School of Law, Charlottesville, Virginia, October 19, 2000)

Alternative Ways of Responding to Environmental Problems (Environmental Law Seminar for Judges, Federal Judicial Center & Georgetown Law Center, Washington, D.C., October 19, 2000)

Environmental Protection Through State Constitutions (The State of State Constitutions Conference, Philadelphia, Pennsylvania, May 6, 2000)

Markets for Nature (Conference on Watershed Management, College of William & Mary, Marshall-Wythe School of Law, Williamsburg, Virginia, April 1, 2000)

Water Futures (Invited Lecture on Law & Society, University of Kansas School of Law, February 24, 2000)

Harmonizing Environmental & Commercial Uses of Water (Rosenberg International Forum on Water Policy, Barcelona, Spain, October 1999)

Southern California Water Wars (Conference of the Society of Environmental Journalists, Los Angeles, California, Sept. 17, 1999)

Tragically Difficult: The Obstacles to Regulating the Commons (Annual Distinguished Visitor Lecture, Northwestern Law School of Lewis & Clark, Portland, Oregon, Sept. 8, 1999)

Consensus and the Legal System: Are We Making Progress? (Conference of the Association of California Water Agencies, South Lake Tahoe, California, May 6, 1999)

The Allure of Consequential Fit (United States Court of Federal Claims Symposium on Retroactive Legislation, Washington, D.C., April 29, 1999)

Private Enforcement of Environmental Laws: Citizen Volunteers, Business Draftees, and Mercenaries (University of Illinois Symposium on Innovations in Environmental Policy, Champaign, Illinois, April 16, 1999)

Trends and Issues in the Privatization of Municipal Water Supply (17th Annual American Bar Association Water Law Conference, San Diego, California, February 25, 1999)

Whither Western Water Policy: Blind Salamanders & Markets (American Association for the Advancement of Science Annual Meeting, Anaheim, California, January 23, 1999)

Experiential Teaching Techniques: Situational Case Studies, Simulations, & Clinics (American Association of Law Schools Annual Meeting, New Orleans, Louisiana, January 10, 1999)

Alternative Conservation Tools: Selecting Among Governmental Purchase of Land, Governmental Regulation, and Private Conservation (Symposium on Changing the Guardian, Cornell Law School, Ithaca, New York, February 1998)

Using the Judiciary to Resolve International Water Conflicts (Rosenberg International Forum on Water Policy, San Francisco, California, September 1997)

Regulatory Reform: Problems & Promises (9th Natural Resources Law Teachers Conference, Park City, Utah, May 1997)

Wheeling Water: Pricing and Access (Water Education Foundation Executive Briefing, Sacramento, California, March 1997)

Preserving Water Based Biodiversity: Designing an Effective Model (Conference on Biodiversity Preservation, Hastings Law School, February 1997)

Resource Use and the Emerging Law of "Takings" (Rocky Mountain Mineral Law Institute, Santa Fe, New Mexico, July 1996)

Water Federalism: Governmental Competition and Conflict Over Western Waters (Conference on Environmental Federalism, Big Sky, Montana, June 1996)

The Endangered Species Act & Property Rights (Conference on the Endangered Species Act, University of Colorado, Center on Natural Resources Policy, June 1996)

Application of the Law of "Takings" to Restrictions on Mineral Development (Rocky Mountain Mineral Law Foundation Institute on Regulation of Mineral Development, May 1995)

State, Pueblo, & Aboriginal Water Rights (1994 Indian Water Rights Conference, Stanford Law School, September 1994)

Regulation of Water Use and Takings (University of Colorado Conference on Regulatory Takings and Resources, June 1994)

Water Markets: An Overview of Current Law, Institutions, and Issues (Keynote Address; Water Conference, University of Tulsa College of Law, March 1994)

The Future of Water Markets (Conference on Market Approaches to Environmental Protection, Stanford University, December 1993)

Water Organizations in the West (University of Colorado Conference on Water Organizations in a Changing West, June 1993)

The Relevance of Water "Ownership" to Water Markets and Other Issues (University of Colorado Conference on Water Organizations in a Changing West, June 1993)

Lucas and Other Recent "Takings Decisions" -- Water Rights Implications (Keynote Address; Washington State Bar Program on Water Rights Law, September 1992)

Natural Resource Damage Actions: Whither Contingent Valuation? (Annual ABA Convention, San Francisco, California, August 1992)

Judicial Takings of Private Property: Limitation on State Water Regulation? (10th Annual ABA Water Law Conference, San Diego, California, February 1992)

Interstate Water Transfers: Sporhase, Compacts, and Free Markets (ALI-ABA, Western Water Law in the Age of Reallocation, Tucson, Arizona, March 1991)

Organizations & Associations

California Bar

American Bar Association
Committee on Appellate Skills Training, 1984-1985

Water Strategist

Advisory Legal Editor, 1999-

Rocky Mountain Mineral Law Institute

Trustee, 1990-
Chair, Teaching Committee, 1995-97
Co-chair, Environmental Program, 1995-96

Natural Heritage Institute

Board of Directors, 1997-
Chairman, 2000-
Treasurer, 1999-2000

Environmental Volunteers

Board of Directors, 1994-1998

Honors and Awards

Distinguished Lecturer, Florida State University School of Law (Fall 2000)

Distinguished Visitor, Northwestern School of School of Lewis & Clark College (Fall 1999)

Hurlburt Award for Excellence in Teaching (1993)

Robert E. Paradise Fellowship for Excellence in Teaching and Research (1993-94)

Order of the Coif

Selected University Service

Advisory Board on Hiring & Promotions

Counsel to the Board, 1998

Earth Systems Program

Faculty Steering Committee, 1992-

Environmental, Health, & Safety Committee

Member, 1994-96, 2000-
Chair, 2002-

Haas Center for Public Service

Faculty Steering Committee, 1993-

Provost's Committee on Environmental Studies
Member, 1995-

Stanford Faculty Club
President, 1995-97
Board of Directors, 1994-

University Budget Committee
Member, 1998-

University Fellows
Member, 1993-95

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