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Academic

Positions:

Loyola Law School, Los Angeles, Professor 2015-present; Associate Professor 2009-2015

Courses: Property; Environmental Law; Local Governments and the Environment; Climate Change Law.

Supervision: Environmental Law Course of Study; Loyola Law Review.

Service: Grading Committee; Student Conduct and Title IX/EEO Hearing Board.

Prior Committee Service: Grading; Task Force on Retired Faculty; Student Conduct; Faculty Hiring, Innovation Task Force Subcommittee on Sustainability; Student Conduct (Chair), Career Services; Public Interest; Clerkships, Technology, Curriculum, and Tenure.

Current and Prior Volunteer Positions: LMU Laudato Si' Action Plan Working Group Member; DNC Council on the Environment and Climate Crisis, Platform Committee Member; LA Mayoral Advisory Council; LA River Expeditions Advisor.

UCLA School of Law, Environmental Law Fellow 2007-2009

Teaching: Environmental Law, Advanced Judicial Process; Local Governments and the Environment.

Supervision: Independent studies on the Montreal Protocol and judicial management of foreclosures.

Education:

Stanford Law School, J.D., with distinction, 1999

Stanford Law Review, Associate Editor

Stanford Committee on Law and Human Rights, Member, President, 1996-98

Stanford Journal of International Law, Member, Submissions Editor, 1996-97

University of California at Berkeley, M.A., Political Science, 1994

Oberlin College, B.A., 1986

Clerkships:

Law Clerk to the Honorable A. Wallace Tashima, 2002-2003

United States Court of Appeals for the Ninth Circuit

Law Clerk to the Honorable Consuelo B. Marshall, 2001-2002

United States District Court, Central District of California

Works in

Progress:

Sustainability and Climate Change Planning in Conservative Cities in the United States

In recent years, conservative cities led by Republican mayors have adopted climate and sustainability plans that starkly contrast with rhetoric from nationally prominent Republicans politicians. Indeed, much of the language in the local plans reflects concerns about future generations and social justice that one usually expects to hear from liberal politicians. This paper examines several local plans in detail to interrogate this federal local divide on attitudes towards climate planning. It proposes factors that shape the politics of local climate policy and prompt it to diverge from national climate politics.

Getting our Houses in Order: Law and Mold Growth in Water-damaged Homes

By several estimates, at least half of U.S. homes suffer from water damage and mold growth that cause adverse health effects. are exacerbated by the lack of legal standards for building mold-resistant homes or remediating mold when it does happen, as well as the absence of state or federal mold exposure standards for residents. Only a handful of states require licensure for mold remediators, leaving most consumers to the whims of remediation marketers. Within the medical community, the attempt to discern acceptable exposure levels is confounded by conflict between doctors treating non-allergic mold illness in their patients and doctors who serve as expert witnesses for home builders and landlords. This paper examines how the law be better attuned to the impact of residential mold exposure, aiding in prevention, remediation, and better health for residents. The issue is pressing not only because of the ongoing health impacts from mold exposure, but also because water damage will become increasingly common due to climate change induced flooding and extreme weather.

The High Cost of Efficiency

This paper examines how the emphasis on formalized cost-benefit analysis, enforced through OMB's office of Information and Regulatory Affairs has undermined safety decision-making at the Federal Aviation Administration.

Law Review

Publications: *Efficiency Gatekeepers, the Social Cost of Carbon, and Post-Trump Climate Change Regulation*, 91 TEMPLE LAW REVIEW 261 (2019).

Decisions, Disasters, and Deference: Rethinking Administrative Law after Fukushima,

33 YALE LAW & POLICY REVIEW 323 (2015) SSRN top ten downloads in Nuclear Energy, Energy, Nuclear Power Plants, Built Environment, Energy Law and Policy.

Holistic Climate Change Governance: Towards Mitigation and Adaptation Synthesis,

85 UNIV. COLORADO L. REV. 615 (lead article) (Summer 2014) SSRN top ten download in Climate Change Law & Policy eJournal; PSN: Global Warming & Climate Change; Other International Institutions: Politics of International Institutions & Global Governance.

Waste Not, Want Not: Landfill Gas to Energy Projects, Climate Change, and the Clean Air Act,

4 SAN DIEGO J. OF CLIMATE & ENERGY LAW 139 (2012-13) (invited paper).

The Sweet Taste of Defeat: American Electric Power Co. v. Connecticut and Federal Greenhouse Gas Regulation, 30 UCLA J. ENV. L. & POL. 227 (2012) (invited paper).

All Hands on Deck: Local Governments and the Potential for Bidirectional Climate Change Regulation,

62 STANFORD L. REV. 669 (2010) As of August 2014, Google Scholar listed among Stanford Law Review's most-cited articles in prior five years; SSRN listed Top Ten download in multiple categories.

Book Chapters &

Shorter Works:

Divided Court Rejects EPA Regulation Limiting Hazardous Power Plant Emissions, TRENDS, ABA Section of Environment, Energy, and Resources Newsletter, November/December 2015.

Cities, Land Use and the Global Commons: Genesis Power and the Urban Politics of Climate Change, (with J. Zasloff) in ADJUDICATING CLIMATE CHANGE: SUB-NATIONAL, NATIONAL, AND SUPRA-NATIONAL APPROACHES, W. Burns and H. Osofsky eds., Cambridge Univ. Press (2009).

What Local Climate Change Plans Can Teach Us About City Power, 36 FORDHAM URB. L. J. 863 (2009) (invited commentary for *Cooper-Walsh Colloquium: The Future of the American City*); reprinted with permission as a chapter in LOCAL CLIMATE CHANGE AND SOCIETY, Mohamed Salih ed., Routledge (2012).

NEPA, CEQA, and Climate Change, 2007 CAL. ENV. L. REP. 213 (lead article).

The Endangered Species Act and Intrastate Species: Recent Commerce Clause Challenges to Federal Power to Protect Biodiversity, 2005 CAL. ENV. L. REP. 101 (lead article).

Rulemaking

Comments:

Regarding Proposed Regulations Revising Clean Air Act New Source Review, Comment Letter to U.S. Environmental Protection Agency, May 11, 2020.

Regarding DEIS [Draft Environmental Impact Statement] for the Coastal Plain Oil and Gas Leasing Program [for drilling in the Alaska National Wildlife Refuge], Comment Letter to U.S. Bureau of Land Management, March 13, 2019.

Regarding Keystone XL Pipeline Final SEIS [Supplemental Environmental Impact Statement], Comment Letter to President Obama and State Department, March 7, 2014.

Regarding Los Angeles River Ecosystem Restoration Integrated Feasibility Report, Comment Letter to Josephine R. Axt, Ph.D.; Chief, Planning Division; U.S. Army Corps of Engineers; Los Angeles District, November 18, 2013.

Regarding Draft EIS for Guam and CNMI Military Buildup, Comment Letter to Joint Guam Program, Naval Facilities Engineering Command, Pacific, February 17, 2010.

Selected Speaking

Engagements:

Water, Law, and Justice, Loyola Marymount University, CSJ Center for Reconciliation and Justice, Annual Symposium, January 31, 2024.

Cost-Benefit Analysis and Environmental Injustice; Association of Law Property and Society Annual Conference, online international format, May 20, 2022.

Regulatory Learning in the Circular Economies of Waste Recovery: Case Studies from U.S. Cities; Society of Legal Scholars Conference on Rethinking Property Approaches in the Circular Economy, Coventry University, England, June 21, 2019.

Climate Change Hits the Ground: Permafrost and Drilling in the Alaska National Wildlife Reserve, Association for Law, Property and Society, Annual Meeting, Syracuse, NY May 17, 2019.

Deregulation Panel: Federal Regulations, Executive Orders, and Local Government, Invited Speaker, Annual Municipal Law Symposium, City Attorney Division California League of Cities, UC Hastings, February 16, 2018.

California and Climate Law: What's new? Panel Moderator, Los Angeles County Bar Association, Annual Environmental Law Symposium, November 3, 2017.

Supreme Court Review: Who's the Ninth and What is on the Docket? Plenary Session Moderator, American Bar Association Section on Environment, Energy, and Resources 46th Spring Conference, March 29, 2017.

Post-Election Consequences on Marginalized Communities, Speaker on Climate Change and the New Administration, Human Resources Gallery Presentation, December 11, 2016.

Loyola Tax Policy Colloquium, Article Commentator on *Keeping the Perpetual in Tax-Deductible Perpetual Conservation Easements* by Nancy McLaughlin, November 14, 2016.

Climate Change and the Law, Lecturer, Journalist Law School, Loyola Law School, June 10, 2016.

Agency Decision-making, Public Participation, and the NRC, Paper Presentation, Law and Society Association Annual Meeting, May 30, 2014.

Supreme Court Review: Narrowing Decisions on Water, Air, and Jurisdiction, Plenary Session Panelist, American Bar Association Section on Environment, Energy, and Resources 43rd Spring Conference, March 21, 2014.

Change-Ready Infrastructure: Planning for Integration, Adaptation, and Resilience, Panelist, American

Bar Association Section on Environment, Energy, and Resources 43rd Spring Conference, March 21, 2014.

The California-Quebec Adventure: Linking Cap and Trade as a Path to Global Climate Action, Law Panel Moderator, UCLA Emmett Center on Climate Change, UCLA Institute of the Environment, March 31, 2014.

Save Tara v. City of West Hollywood and the California Environmental Quality Act, Guest Lecturer, Land Use Law, UCLA School of Law, April 8, 2014.

Sustainable Energy and the Nuclear Regulatory Commission, Invited Paper Presentation, University of Colorado and Duke Law School Works-in-Progress Symposium on Natural Resources, Energy, and Environment in a Climate Changed World, August 8-9, 2013.

Landfill Gas to Energy Projects: Regulatory Design and Diverse Incentives: Paper Presentation, Law and Society Association Annual Meeting. May 30, 2013.

Holistic Climate Change Governance: Towards Mitigation and Adaptation Synthesis, Invited Paper Presentation, University of Minnesota Consortium on Law and Values Annual Conference 2013, Legal and Policy Pathways for Energy Innovation, April 24, 2013.

Two Birds: Capturing Landfill Methane to Reduce Greenhouse Gases and Supply Renewable Power, Invited Presentation, Fourth Annual Climate and Energy Law Symposium: Law in a Distributed Energy Future, University of San Diego Law School, November 9, 2012.

Bridging the Gap: Legal and Policy Approaches for Blending Climate Change Mitigation and Adaptation, Paper Presentation, Loyola Law School, Summer Workshop, July 19, 2012.

Bridging the Gap: Legal and Policy Approaches for Blending Climate Change Mitigation and Adaptation, Paper Presentation, Association of Environmental Studies and Sciences Annual Conference: Preparing for Our Environmental Future, June 21, 2012.

Acclimatizing to a Warmer Planet, Paper Presentation, Law and Society Association Annual Conference, June 8, 2012.

Adaptability is the New Efficiency, Paper Presentation, Climate Change and Energy Law Workshop, UCLA School of Law, September 22, 2011.

Climate Change Law Update, Panelist, Journalist Law School, LLS, June 17, 2011.

Proposition 23 Workshop, Panelist, Environmental Law Society, LLS, October 2010.

Recent Environment Law Developments in the Ninth Circuit Court of Appeals and the California Supreme Court, Paper Presentation, California Bar Association, Environmental Law Section Annual Conference, October 2009.

The Legal and Political Context for Local Climate Planning, Guest Lecture, UCLA School of Public Policy, Perspectives on Local Climate Planning, October 2009.

Subnational Climate Action in the Obama Age: Are State and Local Governments Still Relevant? Panelist, Public Interest Environmental Law Conference, University of Oregon, February 2009.

Cities and Climate Change Guest Lecture, UCLA School of Public Policy, Contemporary Topics in Sustainability, (Graduate seminar, Professors Matthew Kahn and J.R. DeShazo), October 2008.

The Domains of Local Government: Cities and Climate Change Policy, Paper Presentation, Law and

Society Association, Annual Meeting, May 2008.

Environmental Procedure and the Climate Challenge, Paper Presentation, Law and Society Association, Annual Meeting, May 2008.

Massachusetts v. EPA, Guest Lecture, UCLA Institute of the Environment, Global Environment: Multidisciplinary Perspectives, December 2007.

Environmental Law: Deconstructing the US Supreme Court's Blockbuster Term
Panelist, State Bar of California Annual Meeting, October 2007.

Environmental Impact Assessment and Sustainable Development
Paper Presentation, Law and Society Association Annual Meeting, May 2006.

Sovereignty, Rights and Membership: American Citizenship and the Chinese Exclusion Debates, Paper Presentation, American Political Science Association, Annual Meeting 1999.

Other Teaching

Experience:

Stanford Law School *Palo Alto, CA*
Teaching Assistant, January -May 1998
Assisted Dean Brest with Problem Solving, Decisionmaking, and Professional Judgment.
Facilitated and evaluated client counseling simulations.

Stanford University *Palo Alto, CA*
Teaching Assistant, Department of Political Science, September-December 1997
Assisted Professor Lawrence Friedman with undergraduate legal studies course.
Taught weekly discussion sections, graded student exams.

University of California at Berkeley *Berkeley, CA*
Teaching Assistant, Department of Political Science, 1993-1996
Taught discussion sections for Constitutional Law I: History and Equal Protection; Constitutional Law II: Criminal Procedure and Freedom of Speech (Professor R.A. Kagan); Comparative Politics (Professor Ken Jowitt); Modern European Political Thought (Professor Michael Rogin).

Shansi Memorial Association *Taiyuan and Kunming, China*
China Teaching Fellow, 1987-1989
Created and taught English language courses; negotiated contracts with Chinese administrators.

Law Practice:

Chatten-Brown & Carstens *Santa Monica, CA*
Attorney, March 2004-July 2007
Advised clients and litigated state and federal environmental cases under the Clean Water Act, the National Environmental Policy Act, the Administrative Procedure Act, the California Endangered Species Act, the California Environmental Quality Act, and the California Government Code.

Shute, Mihaly & Weinberger *San Francisco, CA*
Attorney, Fellowship Recipient, October 1999-September 2001
Wrote briefs and memoranda addressing land use, environmental, and administrative law issues.
Drafted municipal land use ordinances and agreements establishing conservation easements.
Presented research to Smart Growth Committee of California Legislature in support of subsequently adopted amendments to the Subdivision Map Act.

Environmental Protection Agency, Office of General Counsel *Washington, DC*
Law Clerk, International Environmental Law Office, July-August 1998

Wrote lecture on evolution of wastewater treatment standards under the Clean Water Act.
Drafted legal memoranda on extraterritorial enforcement of environmental laws.
Analyzed EPA discretion to transfer program authority in Indian territories from states to tribes.

Natural Resources Defense Council

San Francisco, CA

Law Clerk, June-July 1998

Wrote successful Better Business Bureau complaint on false advertising of nuclear energy.
Drafted legal memoranda on administrative law issues in environmental litigation.

American Civil Liberties Union Immigrants' Rights Project

San Francisco, CA

Law Clerk, February - May 1998

Folger, Levin, and Kahn

San Francisco, CA

Summer Associate, June - August 1997

Bar Admission: California.
Admitted to practice before the Ninth Circuit.