

Justin R. Pidot

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ACADEMIC AND POLITICAL APPOINTMENTS

- Visiting Professor, University of Colorado Law School** 8/11-present
- Professor, University of Denver Sturm College of Law** 7/11-present
Assistant Professor (7/11-6/15), Associate Professor with Tenure (6/15-6/18),
Professor (6/18-present), Leave of absence (Fall 2016)
Courses: Administrative Law, Environmental Law
Environmental Law Workshop, Property, Public Interest Litigation Lab
- Deputy Solicitor for Land Resources, U.S. Department of the Interior** 7/16-1/17
Political appointment within Senior Executive Service leading Division of Land Resources
and providing legal and policy advice to Secretary of Interior, Deputy and Assistant
Secretaries, Solicitor, and Bureau Directors

EDUCATION

- Stanford Law School, Palo Alto, California** 9/03-5/06
Juris Doctor with distinction
Stanford Environmental Law Journal: Editor-in-Chief (2005-2006), Lead Article Editor
(2004-2005), Member Editor (2003-2004)
- Wesleyan University, Middletown, Connecticut** 9/94-5/99
Bachelor of Arts with high honors in government, elected to Phi Beta Kappa in spring 1999

LAW REVIEW PUBLICATIONS, BOOKS, AND CHAPTERS

- Public-Private Conservation Agreements and the Greater Sage-Grouse*, 39 PUBLIC LAND &
RESOURCES LAW REVIEW _ (forthcoming 2018) (invited symposium)
- The Common Law of Liable Party CERCLA Claims*, 70 STANFORD LAW REVIEW 191 (2018)
(with Dale Ratliff)
- PRACTICING ENVIRONMENTAL LAW (Foundation Press 2017) (with Todd Aagaard and David
Owen)
- Tie Votes in the Supreme Court*, 101 MINNESOTA LAW REVIEW 245 (2016)
- Natural Baselines and Wildfire Takings Claims*, 75 MARYLAND LAW REVIEW 698 (2016) (invited
symposium)

Governance and Uncertainty, 37 CARDOZO LAW REVIEW 113 (2015)

Symbolic, Cognitive and Structural Obstacles to Formulating Disaster Policy, in JURISPRUDENCE OF DISASTER (Austin Sarat, ed., 2015)

Eroding the Parcel, 39 VERMONT LAW REVIEW 647 (2015) (invited symposium)

Environmental Settlements and Administrative Law, 39 HARVARD ENVIRONMENTAL LAW REVIEW 191 (2015) (with Courtney McVean)

Fees, Expenditures, and the Takings Clause, 41 ECOLOGY LAW QUARTERLY 131 (2014)

Oil and Gas and Floods, 48 RICHMOND LAW REVIEW 959 (2014) (invited symposium)

Deconstructing Disaster, 2013 BRIGHAM YOUNG UNIVERSITY LAW REVIEW 213 (2013)

Jurisdictional Procedure, 54 WILLIAM & MARY LAW REVIEW 1 (2012)

The Invisibility of Jurisdictional Procedure and Its Consequences, 64 FLORIDA LAW REVIEW 1405 (2012)

Note, *Intuition or Proof: The Social Science Justification for the Diversity Rationale in Grutter v. Bollinger and Gratz v. Bollinger*, 59 STANFORD LAW REVIEW 761 (2006)

Note, *The Applicability of Nuisance Law to Invasive Plants: Can Common Law Liability Inspire Government Action?*, 24 VIRGINIA ENVIRONMENTAL LAW JOURNAL 183 (2005)

PRESENTATIONS

Governmental

Witness, United States House Committee on Oversight and Government Reform, Subcommittee on Intergovernmental Affairs & Subcommittee on the Interior, Energy, and Environment, Hearing on Examining ‘Sue and Settle’ Agreements: Part I (May 24, 2017)

Witness, United States Senate Committee on Environment and Public Works, Subcommittee on Superfund, Waste Management, and Regulatory Oversight, Hearing on Oversight of Litigation at EPA and FWS: Impacts on the U.S. Economy, States, Local Communities and the Environment (August 4, 2015)

Environmental Consent Decrees and Administrative Law, Environment & Natural Resources Division of the U.S. Department of Justice (June 26, 2014)

Academic

Bears Ears National Monument Litigation, B.Y.U. Law School (April 4, 2018)

Panelist, *Relevant Parcel Analysis and Murr: Understanding the Supreme Court’s Latest Takings Case*, Rocky Mountain Land Use Institute Annual Conference (March 9, 2018)

Panelist, *Federal Lands in the Trump Era*, Rocky Mountain Land Use Institute Annual Conference (March 8, 2018)

Suing the President to Protect the Bears Ears National Monument, Florida State University College of Law (January 24, 2018)

Economic Uncertainty, Ecological Uncertainty, and Wildlife Conservation (and Energy Development), Bridging Divides: Energy, Environment, and Empowerment in a New Era, Montana Law School (October 13, 2017)

Panelist, *Managing Federal Public Lands—Changes on the Horizon*, 2017 Martz Spring Symposium, University of Colorado Law School (April 11, 2017)

Panelist, *Transitioning to a New Administration: Rural Issues*, Rocky Mountain Land Use Institute Annual Conference (March 16, 2017)

Regulatory Dormancy, Maryland/Pace Climate Change Emerging Issues Workshop (March 6, 2017)

Panelist, *2015 Supreme Court Review: Signs, Fair Housing, Takings and Clean Air*, Rocky Mountain Land Use Institute Annual Conference (March 11, 2016)

Governance and Uncertainty, University of Utah S.J. Quinney College of Law Faculty Colloquium Series (February 24, 2015)

Takings and Environmental Baselines, 21st Annual Environmental Law Summit, Tulane University Law School (February 20, 2016)

Criminalizing Citizen Science, University of Denver Department of Geography Fall Colloquium (November 5, 2015)

Governance and Uncertainty, Indiana University Maurer School of Law Faculty Colloquium (November 3, 2015)

Governance and Uncertainty, 6th Annual Colloquium on Environmental Scholarship, Vermont Law School (October 3, 2015)

Wildfires, Subsidies, and Regulatory Takings, 18th Annual Conference on Litigating Takings Challenges to Land Use and Environmental Regulation, Maryland Law School (September 25, 2015)

Governance and Uncertainty, UCLA Environmental and Energy Law Workshop, UCLA Law School (September 14, 2015)

Governance and Uncertainty, 17th Institute for Natural Resource Law Teachers, University of Utah (May 27, 2015)

Eroding the Parcel, 17th Annual Conference on Litigating Takings Challenges to Land Use and Environmental Regulation, U.C. Davis Law School (September 19, 2014)

Justiciability and the Common Law, Environmental Law Junior Scholars Workshop, American University Washington College of Law (June 27, 2014)

Justiciability and the Common Law, Federalist Society Junior Scholars Conference, Georgetown University Law Center (May 14, 2014)

Koontz: A Big Deal or Business as Usual?, Rocky Mountain Land Use Institute Annual Conference (March 13, 2014) (panelist and moderator)

Governing Uncertainty, Rocky Mountain Junior Scholars Forum, Brigham Young University Law School (November 8, 2013)

Natural Disaster Risk and Energy Development, Allen Chair Symposium, University of Richmond (October 18, 2013)

Dismissing Tie Votes in the Supreme Court, Sixth Annual Junior Faculty Federal Courts Workshop, Brooklyn Law School (October 5, 2013) (competitive selection)

Environmental Consent Decrees and Administrative Law, Environmental Law Junior Scholars Workshop, American University Washington College of Law (June 29, 2013)

Jurisdiction and Preclusion, Law and Society Association Annual Meeting (June 1, 2013)

Deconstructing Disaster, Florida State University College of Law (February 20, 2013)

Contingency as Compromise: Evolutionary Climate Change Adaptation, Law and Society Association Annual Meeting (June 8, 2012)

Contingency as Compromise: Evolutionary Climate Change Adaptation, Environmental Law Junior Scholars Workshop, American University Washington College of Law (June 1, 2012)

NFIP Reform in the Wake of Catastrophic Loss, Symposium After Irene: Law and Policy Lessons for the Future, Vermont Law School (April 20, 2012)

Jurisdictional Procedure, Fourth Annual Junior Faculty Federal Courts Workshop, Florida International University College of Law (February 4, 2012) (competitive selection)

Jurisdictional Procedure, Stanford Environmental & Policy Workshop, Stanford Law School (September 26, 2011)

Commenter: Douglas A. Kysar, *Prods and Pleas: Limited Government in an Era of Unlimited Harm*, University of Colorado Law School & Duke University School of Law, Climate Change Law & Policy Works-in-Progress Symposium, University of Colorado (August 12, 2011)

Other

Energy and the Endangered Species Act, Colorado's Future Energy Economy, Colorado Bar Association (November 17, 2016)

Panelist, *Federalism, the Environment, Land Use, and Energy Independence*, 2016 Annual Western Chapter Conference of the Federalist Society (January 30, 2016)

Panelist, *Ag-Gag Laws: Challenging Laws that Criminalize Undercover Investigations and Citizen Science*, Colorado Chapter of the American Constitution Society (November 4, 2015)

Wyoming's Data Trespass Law, EarthJustice/Kaplan Kirsch & Rockwell LPP Summer Brownbag Series (July 22, 2015)

Panelist, "*Sue-and Settle*" and the *Endangered Species Act*, Podcast, The Federalist Society (February 18, 2015)

Panelist, *The Takings Clause and the Supreme Court's 2012 October Term*, ABA Section of Environment, Energy, and Resources 42nd Spring Conference (March 23, 2013)

OTHER PUBLICATIONS

The White House Threatens to Up End the Foundations of Environmental Decisionmaking, ACSblog (July 12, 2018)

Loyal Friend, Distinguished Scholar, and Devoted Conservationist: The Legacy of Fred Cheever, 95 DENVER LAW REVIEW 5 (2017) (with Susan Daggett)

Two Years after Gold King Disaster, Trump Would Slash Funding for Abandoned Mines Cleanup, Legal Planet Blog (August 8, 2017)

The Congressional Review Act Run Amok: Senate Poised to Block BLM Rule Protecting Taxpayers and the Environment, ACSblog (March 2, 2017)

Tie Votes and the 2016 Supreme Court Vacancy, 101 MINN. L. REV. HEADNOTES 107 (2016) (invited online symposium)

Is the Coal Industry Too Big to Regulate? ACSblog (February 11, 2016)

The Exxon Mobil Investigation and Information Disclosure, ACSblog (November 13, 2015)

Michigan v. EPA: The Latest in a Series of Anti-Agency Decisions, ACSblog (July 1, 2015)

Forbidden Data: Wyoming Just Criminalized Citizen Science, Slate (May 11, 2015)

Constitutional Law, in ENVIRONMENT, ENERGY, AND RESOURCES LAW: THE YEAR IN REVIEW 2014 (ABA Section of Environment, Energy, and Resources, 2015) (with Michael Burger et al.)

Proposed bill will lead to more animal abuse, not less, Denver Post (January 23, 2015) (with Justin Marceau, Nancy Leong, Alan Chen, Rebecca Aviel, and Ian Farrell)

Supreme Court Rules CERCLA Does Not Preempt State Statutes of Repose, Trends: ABA Section of Environment, Energy, and Resources Newsletter (2014) (with Chelsea Cox)

Colorado's New Revenge Porn Statute is Good Law and Sound Policy, Huffington Post (Aug. 1, 2014) (with Ian Farrell, & Nancy Leong).

Utility Air Regulatory Group v. EPA: Climate Litigation and Statutory Construction, ACSblog (June 24, 2014)

Utility Air Regulatory Group v. EPA: *Reflections on the Argument*, ACSblog (Feb. 28, 2014)

Utility Air Regulatory Group v. EPA: *Climate Change Returns to the Supreme Court*, ACSblog (Feb. 24, 2014)

Constitutional Law, in ENVIRONMENT, ENERGY, AND RESOURCES LAW: THE YEAR IN REVIEW 2013 (ABA Section of Environment, Energy, and Resources, 2014) (with Michael Burger et al.)

Preempting the Port of Los Angeles' Efforts to Improve Air Quality, Trends: ABA Section of Environment, Energy, and Resources Newsletter (2013) (with Johna Varty)

Ending Tax Revenue Standing, 90 UNIVERSITY OF DENVER LAW REVIEW ONLINE 193 (2013) (with Megan Moses)

Constitutional Law, in ENVIRONMENT, ENERGY, AND RESOURCES LAW: THE YEAR IN REVIEW 2012 (ABA Section of Environment, Energy, and Resources, 2013) (with Michael Burger et al.)

The Gray Wolf Delisting Revisited, Legal Planet Blog (August 16, 2011)

Coastal Disaster Insurance in the Era of Global Warming: The Case for Relying on the Private Market, Georgetown Environmental Law & Policy Institute (2007)

Global Warming in the Courts: An Overview of Current Litigation and Common Legal Issues, Georgetown Environmental Law & Policy Institute (2006)

SELECTED MEDIA APPEARANCES

Washington Post, *The Energy 202: EPA loses a tenth of its criminal investigators since Trump's election*, June 21, 2018

Washington Post, *The Energy 202: Trump appointee at EPA to scrutinize which pollution cases may go to court*, June 15, 2018

Washington Examiner, *Why Trump is defending a marine monument made by Obama*, April 20, 2018

The New Yorker, *Scott Pruitt's dirty politics*, March 26, 2018

WYNC News, *Under Trump, the great Gowanus Canal superfund cleanup gets more uncertain*, February 22, 2018

Greenwire, *Could 'sue-and-settle' ban backfire for Trump team?*, January 16, 2018

E&E News PM, *Bundys see 'vindication,' hope to avoid new trial*, December 20, 2018

High Country News, *Indian Country News: A monumental blow to tribes*, December 9, 2017

Washington Post, *Legal battle over national monuments is just beginning*, December 6, 2017

PBS News Hour, *What happens now that Trump has said he'll scale back Bears Ears and Grand Staircase-Escalante?* December 6, 2017

9 News Denver, Evening News, December 5, 2017

NPR Utah, Monument lawsuits start to stack up, December 5, 2017

Tribes, environmental groups sue Trump over Utah monument decisions, Deseret News, December 5, 2017

NM Political Report, Zinke decides against shrinking NM monuments, December 5, 2017

High Country News, Fish and Wildlife retracts opposition to Arizona project, November 17, 2017

The Wall Street Journal, New EPA settlement policy has lawyers bracing for long disputes, October 30, 2017

Salon, Trump's Interior secretary goes to war – against his own department, September 28, 2017

Greenwire, Experts vexed by Pruitt bid to cut DOJ's Superfund pay, September 28, 2017

E&E News PM, Court rules citizen water sampling is free speech, September 7, 2017

Pacifica Evening News, Monuments face downsizing, commercial exploitation, August 26, 2017

Greenwire, Courts backed presidents in past Antiquities Act disputes, August 25, 2017

Greenwire, Zinke pushes to shrink 'handful' of sites, no eliminations, August 24, 2017

High Country News, Legal scholars dispute whether monuments are permanent, August 2, 2017

Greenwire, If Trump topples designations, lawsuits, confusion may reign, July 28, 2017

Greenwire, Pruitt issued 'oral directive' to end 'sue and settle,' July 3, 2017

Greenwire, Zinke's menu of Bears Ears options comes with heartburn, June 6, 2017

E&E News Daily, Republicans drum up support for bills against 'sue and settle', May 25, 2017

High Country News, Conflicts dog Trump's deputy Interior secretary nominee, May 18, 2017

L.A. Times, Trump's national monument plan could easily fail – but he'll still declare victory, May 10, 2017

Energywire, Law pros warn of 'prolonged litigation' if Congress kills rule, May 9, 2017

Greenwire, Fans of abolishing sites aim to build on past examples, February 8, 2017

Greenwire, Juror details how prosecutors failed to make their case, February 7, 2017

Greenwire, 'Incredibly crucial' Bundy ranch trials begin, February 6, 2017

Washington Times, BLM agent's Burning Man freebies may upset Bundy case, February 6, 2017

Greenwire, Term went from 'sleepy' to stunning, June 10, 2016

National Law Journal, How the Justices can ‘Dig’ their way out of tie votes, March 29, 2016

KUNC, With superfund status on the way, what’s next for the Silverton’s polluting mines?, March 2, 2016

New York Times, Battle for the Supreme Court: The deadlock this year, and beyond, February 25, 2016

Greenwire, Sandoval is ‘no Scalia,’ February 25, 2016

Wyoming Tribune Eagle, Lawmakers seek to amend “data trespass” statutes, February 24, 2016

Wall Street Journal, Wyoming trespass laws under fire by environmentalists, photographers, February 18, 2016

Wall Street Journal, Protracted eight-member Supreme Court could stymie rulings on host of issues, February 17, 2016

Greenwire, How Scalia reshaped environmental law, February 15, 2016

The Hill, Greens faced with nightmare scenario at the Supreme Court, February 13, 2016

Greenwire, Regulatory showdown in Calif. wheat field, February 4, 2016

Greenwire, No legal grounds for militants’ land claims, January 20, 2016

Christian Science Monitor, ‘Ag-gag’ laws head to court: So far, animal rights activists are winning, December 31, 2015

A.P., Groups say Wyoming land laws block them from gathering data, December 11, 2015

A.P., Judge hears state’s request to dismiss trespassing challenge, December 10, 2015

Greenwire, US law’s reach at heart of epic cross-border cleanup fight, November 24, 2015

NPR, All Things Considered, Tug of war over Obama’s Clean Power Plan takes center stage in Colorado, November 12, 2015

KUNC Radio, How can Colorado be both for and against the Clean Power Plan, November 9, 2015

The Hill, Obama’s court quagmire, November 2, 2015

Casper Star Tribune, Environmentalists challenging federal coal find success in court, October 27, 2015

The Hill, Mine spill throws EPA on the defensive, August 15, 2015

Greenwire, New lawsuit’s goal: Secure right-leaning judicial panel, August 14, 2015

Durango Herald, Concerns about carbon rules heard by Senate committee, August 4, 2015

Greenwire, ‘Building Block 4’ cut seen as pre-emptive move for high court, August 3, 2015

Casper Star Tribune, Coal scores a win in Supreme Court mercury decision, but will it be enough to reverse losses?, June 29, 2015

Greenwire, Justices topple EPA mercury regs in ruling seen as limited, June 29, 2015

Greenwire, Lawyers mine health care ruling for Clean Power Plan clues, June 25, 2015

Al Jazeera America, Hunting for wolverines with citizen scientists, June 23, 2015

High Country News, Wyoming trespass law is the latest in grazing battle, May 20, 2015

Washington Post, Wyoming doesn't want you to know how much poop is in its water, May 20, 2015

VICE News, If you're in Wyoming, don't take pictures of cattle ranches, May 18, 2015

Wyoming Tribune, Scientists fear Wyoming law, May 16, 2015

A.P., Rulings require feds to consider carbon impact of coal mines, May 15, 2015

FoxNews.com, Legal exposure: Wyoming law could mean jail for sunset picture, claims critic, May 15, 2015

USA Today, Wyoming law bans 'data trespassing', May 14, 2015

The Take Away with John Hockenberry, Wyoming's environmental gag order, May 12, 2015

Greenwire, Liberals, law pros rain fury on 'sellout' Laurence Tribe, April 7, 2015

Greenwire, High-stakes suit pits ranchers against water-sampling greens, November 18, 2014

Western Livestock Journal, When is trespassing not trespassing?, August 4, 2014

Greenwire, SCOTUS's handling of visa case may be harbinger for EPA rule, July 24, 2014

Greenwire, 3 Cases Could Set Key Precedents for Environmental Lawsuits, July 10, 2014

Greenwire, EPA Win Streak the Lone Bright Spot in Tough Term for Obama, July 7, 2014

Denver Post, Court Considers Gay Marriage Appeal, April 17, 2014

Wall Street Journal, Gay Marriage Gives Court Rare Starring Role, January 18, 2014

Denver Post, Legal Showdown in the 10th Circuit, January 16, 2014

Greenwire, Supreme Court backs landowner in Fla. wetlands case, opens door to more permit scrutiny, June 25, 2013

Greenwire, Key judge's take on clean-power mandates spark legal debates, June 21, 2013

Greenwire, It's 'make-or-break day' for EPA's cross-state rule, E15 waiver, June 20, 2013

Greenwire, Ruling curbs port's crackdown on truck emissions, June 13, 2013

Greenwire, EPA gets surprise boost from ruling on cell towers, May 23, 2013

Greenwire, Wiretap ruling could haunt environmental lawsuits, May 20, 2013

OTHER EMPLOYMENT

Attorney, U.S. Department of Justice, Environment & Natural Resources Division, Appellate Section	9/08-6/11
Law Clerk, Judge Judith W. Rogers, U.S. Court of Appeals for the District of Columbia Circuit	8/07-7/08
Fellow, Georgetown Environmental Law and Policy Institute	8/06-8/07
Summer Associate, Shute, Mihaly & Weinberger, LLP	5/05-7/05
Summer Clerk, Land Use Division of the San Francisco City Attorney's Office	5/04-7/04
Washington State Organizer, Save Our Wild Salmon, Seattle, Washington	7/01-1/03
Field biologist, Yellowstone Ecosystem Studies, Silver Gate, Montana	7/00-12/00

LITIGATION EXPERIENCE

Counsel for Native American Rights Fund representing Hopi Tribe, Pueblo of Zuni, and Ute Mountain Ute Tribe in *Hopi Tribe v. Trump*, a challenging administration's action on the Bears Ears National Monument, and member of nation-wide national monument working group that includes major law firms, national non-profit organizations, and academics

Served as lead counsel representing environmental, animal rights, and press groups in constitutional challenge to Wyoming laws criminalizing citizen science

Served as lead counsel representing environmental group in state trespass lawsuit brought by natural resource users

Presented oral argument and primary author of briefs in over a dozen cases before the U.S. Courts of Appeals for the 2nd, 8th, 9th, and D.C. Circuits and before the District Courts for the District of Wyoming and the Northern District of California

Lead attorney for Environment & Natural Resources Division of the Department of Justice in two cases before the U.S. Supreme Court (*Stop the Beach Renourishment v. Florida Department of Environmental Protection*, S. Ct. No. 08-1151 and *Connecticut v. American Electric Power Corp.*, S. Ct. No. 10-174)

AWARDS

Third Annual Sagebrush Sentinel Award, Western Watersheds Project (2016)

Award for Best Paper presented at the American Bar Association, Section of Environment, Energy, and Resources 42nd Spring Conference (2013)

Outstanding Performance Award, U.S. Department of Justice (2010)

Special Recognition Award, U.S. Department of Justice (2009)

BAR ADMISSIONS

U.S. Supreme Court

U.S. Courts of Appeals for the District of Columbia Circuit and Ninth Circuit

California, District of Columbia, Colorado (pro bono admission)

OTHER AFFILIATIONS

Chair of Advisory Board, American Constitution Society Colorado Lawyers Chapter 6/2017-present

Board Member, Rocky Mountain Mineral Law Foundation Journal 4/2017-present
6/12-7/2016

Board Member, American Constitution Society Colorado Lawyers Chapter 7/13-7/2016