

JAN GORDON LAITOS

Résumé

PERSONAL DATA

Business Address: University of Denver Sturm College of Law
2255 E. Evans Ave.
Denver, Colorado 80208
Phone: (303) 871-6263

Gender: Male

PROFESSIONAL EXPERIENCE

Present Occupation

1976 – Present Holder of the John A. Carver, Jr. Chair and Professor of Law
University of Denver, Sturm College of Law

2002 – Present Reporter, Land Use Law and Zoning Digest (American Planning Assoc.)

1992 – Present Member, Regional Board of Directors,
Rocky Mountain Land Use Institute

1982 – Present Trustee, Rocky Mountain Mineral Law Foundation

1985 – 1992 Commissioner and Vice Chair,
Colorado Water Quality Control Commission

Previous Professional Work

1982 – 2006 Director, Environmental and Natural Resources Law Program
University of Denver Sturm College of Law

1998 – 2005 Legal Analyst and Producer of @ Issue Franchise,
KUSA 9 News, Denver, CO

1974 – 1976 Attorney, Office of Legal Counsel
United States Department of Justice
Washington, D.C.

1972 – 1974 Law Fellow to Professor Willard Hurst
University of Wisconsin Law School
Madison, Wisconsin

1971 – 1972 Law Clerk, Chief Justice Edward Pringle
Colorado Supreme Court
Denver, Colorado

BAR MEMBERSHIPS

- 1974 District of Columbia Bar
- 1971 State of Colorado Bar

EDUCATIONAL DEGREES

- University of Wisconsin Law School - S.J.D., 1975
- University of Colorado Law School - J.D., 1971
- Yale University - B.A., 1968

EDUCATIONAL HONORS & ACTIVITIES

- University of Denver: “DU LAW STAR” (2005)
 University of Denver College of Law – Teacher of the Year (1999)
 University Distinguished Teaching Award (1996)
- Wisconsin Law School: Research Fellow to Professor Willard Hurst, 1972 - 1974
- Colorado Law School: Order of Coif; Board of Editors, Colorado Law Review (Note and Comments Editor)
- Yale University: James B. McDermott Award for Scholarship in American History (1967)

PUBLICATIONS

A. TREATISE

The Law of Property Rights Protection: Limitations on Government Powers (Aspen Law and Business 1999) (annual updates 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008)

B. BOOKS

1. Cases and Materials on Natural Resources Law 3d Edition (forthcoming, Thompson West 2011).
2. The Right of Non-Use (forthcoming, Oxford Univ. Press 2010)
3. The Law of Hazardous Waste and Toxic Substances 2d Edition (forthcoming, Foundation Press 2009)
4. Pioneers in Environmental Law (forthcoming, Twelve Tables Press, 2009)
5. Environmental Regulation of Colorado Real Property (co-author, Bradford Press, 2007) (Supplement 2009)
6. Cases and Materials on Natural Resources Law 2d Edition (West Publishing, 2006), and Teachers Manual (West, 2007)
7. The Law of RCRA and CERCA (Foundation Press, 2006)
8. Hornbook on Natural Resources Law (West Publishing, 2002)

9. The Moral Austerity of Environmental Decision Making (Duke Univ. Press, 2002) (contributing author)
10. The Law of Toxic Substances and Hazardous Wastes (Foundation Press, 2000) and Teacher's Manual (320 pages) (2002)
11. Energy and Natural Resources Law in a Nutshell (West Publishing, 1992)
12. Cases and Materials on Natural Resources Law (West Publishing, 1985) and Teacher's Manual (300 pages) (1985)
13. A Legal-Economic History of Air Pollution Controls (Carrollton Press, 1980)

C. LAW REVIEW ARTICLES

1. "The Problem With Wilderness," 32 Harvard Environmental Law Review 503 (2008)
2. "The Law of Airspace Near Public Runways," 59 Planning and Environmental Law Review 1 (Sept. 2007)
3. "Recreation Wars for Our Natural Resources," 34 Env't'l. L. 1091 (2005)
4. "The Multiple to Dominant Use Paradigm Shift in Natural Resources Management," 24 Utah J. of Land, Resources, and Environmental Law 221 (2004)
5. "Multi-Layered, and Sequential, State and Local Barriers to Extractive Resource Development," 23 Virginia Env't'l L. Rev. 1 (2004)
6. "Whose Law Governs? State and Local Regulation on Federal Lands, and Federal Regulation on State Lands", 49 Rocky Mountain Mineral Law Institute (2003)
7. "Height Restrictions Near Airports: Physical Takings, Regulatory Takings, or Police Power Exercises", 55 Land Use Law & Zoning Digest 3 (Sept. 2003).
8. "The New Retroactivity Causation Standard," 51 Ala. L. Rev. 1123 (2000)
9. "The Transformation on Public Lands," 26 Ecology Law Quarterly 140 (Spring, 1999) Selected by peer review as the best public land law article of 1999.
10. "The New Dominant Use Reality on Multiple Use Lands," 44 Rocky Mountain Mineral Law Institute 1 (1999)
11. "Takings and Causation," 5 William & Mary Bill of Rights Journal 359 (1997)
12. "Legislative Retroactivity," 52 Washington University Journal of Urban and Contemporary Law 81 (1997)
13. "National Parks and the Recreation Resource," 74 Denver University Law Review 847 (1997)
14. "Judicial Protection of Private Property in Natural Resources: The American Experience," 14 J. of Energy and Natural Resources 262 (1996)
15. "Causation and the Unconstitutional Conditions Doctrine: Why the City of Tigard's Exaction Was a Taking," 72 University of Denver L. Rev. 893 (1995)

16. "The Takings Clause in America's Industrial States After Lucas," 24 Univ. of Toledo L. Rev. 281 (1993)
17. "The Public Use Paradox and the Takings Clause," 13 Journal of Energy, Nat. Res., and Env't'l L. 9 (1993)
18. "Use of Agency Deliberations by Reviewing Courts," 69 Denver Univ. L. Rev. 121 (1992)
19. "Paralysis by Analysis in the Forest Service Oil and Gas Leasing Program," 26 Land and Water L. Rev. 105 (1991)
20. "Oil and Gas Leasing on Forest Service Lands," 5 Natural Res. and Environment 23 (1990)
21. "The Nature and Consequence of 'Valid Existing Rights' Status in Public Land Law," 5 Journal of Mineral Law & Policy 399 (1990), reprinted in 28 Public Land and Resources Digest 121 (1991)
22. "Water Rights, Clean Water Act Section 404 Permitting, and the Takings Clause," 60 U. of Colo. L. Rev. 901 (1989)
23. "Water Quality Antidegradation," 4 Natural Res. and Environment 19 (1989)
24. "Regulation of Natural Resources Use and Development in Light of the 'New' Takings Clause," 34 Rocky Mountain Mineral Law Institute 1 (1988).
25. "Protection From Government Action Affecting Private Property Rights in Natural Resources in the United States," 5 Journal of Energy and Natural Resources Law 59 (1988).
26. "Uncloaking Law School Hiring," 38 J. of Legal Ed. 345 (1988).
27. "Government Interference with Private Interests in Public Resources," 11 Harvard Env't'l L. Rev. 1 (1987) (cited with approval by U.S. Supreme Court in text of opinion of Nollan v. California Coastal Commission, 107 S. Ct. 3141, 3147 (1987))
28. "Utility Use of Renewable Resources: Legal and Economic Implications," 59 Denver Law Journal 1 (1982), reprinted in Public Utilities Law Anthology (International Library Press, 1982)
29. "The Effect of Water Law on the Development of Oil Shale," 58 Denver Law Journal 751 (1981)
30. "May Regulated Utilities Monopolize the Sun?," 56 Denver Law Journal 31 (1979).
31. "Legal institutions and Pollution: Some Intersections Between Law and History," 15 Natural Resources Journal 423 (1975)
32. "A Leap of Faith: Some Observations on Law's Effect Upon the Earth's Natural Resources," 25 Am. Univ. L. Review 131 (1975)
33. "Continuities from the Past Affecting Resource Use and Conservation Patterns," 28 Okla. L. Rev. 60 (1975)
34. "The Social and Economic Roots of Judge-Made Air Pollution Policy in Wisconsin," 58 Marq. L. Rev. 465 (1975)
35. "The Limits of the Law: Institutional Failures of the Air Pollution Variance Board," 44 U. of Colo. L. Rev. 513 (1973)

36. "Institutional Response to an Environmental Crisis: The Failure of State Air Pollution Control," 48 Denver L. J. 519 (1972)
37. "Judicial Limitations on Holder in Due Course Claims," 42 U. of Colo. L. Rev. 439 (1971)
38. "The Effect of Full Faith and Credit on Cognovit Judgments," 42 U. of Colo. L. Rev. 1973 (1970) (cited by the U.S. Supreme Court in Overmyer v. Frank 405 U.S. 174 (1972))

D. BOOK CHAPTERS

1. NEPA and Oil and Gas Development on Forest Service Lands, in THE NATURAL RESOURCES LAW MANUAL at 205 (ABA Section of Natural Resources, Energy, and Environmental Law 1995).
2. Energy Resources and Policy Problems, in Energy in American History, (Pergamon Press, 1983).
3. Utilities and Solar Energy, in Legal Aspects of Solar Energy, (Lexington Press, 1981)
4. Prospects for Utility Involvement in Residential Solar Applications, in Energy and Communications in Transition (Michigan State University Press, 1981).

E. MONOGRAPHS

1. Regulated Utilities and Solar Energy (Callaghan Press, 1980).

F. BAR ASSOCIATION ARTICLES

1. May CERCLA Apply Retroactively? Colo. Law. (October 1996).
2. Water Rights and Water Quality, Colo. Law. (October 1994).
3. Federal CERCLA Liability for Abandoned Mines, Colo. Law. (January 1994).
4. What is a "Material Injury" to a Water Right?, 19 Colo. Law. 1333 (1990).
5. Practicing Law Before Part-Time Citizen Boards and Commissions, 18 Colo. Law. 1133 (1989).
6. Assault on the Citadel, Part II: Dams, Diversions, and Water Quality Regulations, 17 Colo. Law. 2003 (1988).
7. "Assault on the Citadel, Part I: Water Quality Laws and the Exercise of Water Rights," 17 Colo. Law. 1305 (1988).
8. "Constitutional Limits on Police Power Regulations Affecting the Exercise of Water Rights," 16 Colo. Law. 1626 (1987).

G. GOVERNMENT REPORTS

1. Economic and Regulatory Issues Raised by Utility Involvement in Central and Decentralized Solar Applications, SERI Rept., TR-744-1338 (1981).
2. Proceedings: SERI-ERA Workshop on Electric Utility Involvement in Residential Solar Applications, SERI Rept. CP 733-781 (1981).

3. Regulated Utilities and Solar Energy: A Legal-Economic Analysis of the Major Issues Affecting the Solar Commercialization Effort, SERI Rept. TR-62-255 (June 1979).
4. Public Policy Questions Posed by the Rise of a Solar Energy Industry in Colorado, Colorado Energy Research Institute Report 1979.

TEACHING EXPERIENCE

Natural Resources

University of Denver College of Law
 Natural Resources and Environmental Law
 Environmental Law
 Energy Law
 Water Law
 Land Use Planning

Public Law

University of Denver College of Law
 Constitutional Law
 American Legal History

REFERENCES

Professor John Applegate
 Walter S. Foskett Professor of Law
 Indiana University School of Law
 Bloomington, IN
 (812) 855-7995

Justice Antonin Scalia
 United States Supreme Court
 Washington, D.C.

Professor Dan Cole
 R. Bruce Townsend Professor of Law
 Indiana University School of Law
 Indianapolis, IN
 (317) 274-2340

David Phillips
 Executive Director
 Rocky Mountain Mineral Law Foundation
 9191 Sheridan Blvd. #203
 Westminster, CO 80031
 (303) 321-8100