



ENVIRONMENTAL AND NATURAL RESOURCES LAW

FALL '09
newsletter



UNIVERSITY OF
DENVER

Sturm College of Law

Director's Notes

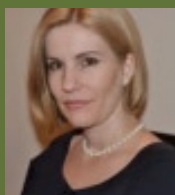


If you know our Environmental and Natural Resources Law Program, you may be wondering about the new face on this director's page. I'm the one in red running the borehole logging instrument. My work almost 35 years ago as a field geologist for a French uranium exploration company gave me hands-on experience in alternative energy

sources during a previous oil crisis. As our nation faces many of the same, as well as new, energy challenges today, I am delighted to take over the reins of this program at the University of Denver Sturm College of Law. Our previous director, Fred Cheever, has assumed the onerous responsibility of serving as our law school's associate dean of academic affairs, while I, in the more enviable role as director, have the pleasure of sharing with you in this newsletter many of the exciting aspects of our program.

- Associate Professor K.K. DuVivier

ERIK BLUEMEL INTERNATIONAL ENVIRONMENTAL LAW SCHOLAR



For the past 15 years, the Environmental Law Clinic (ELC) has represented local, state, and national environmental community groups on domestic environmental issues. Beginning in the fall of 2009, the ELC will maintain on its docket a project of international importance.

Working closely with the LLM program in Natural Resources and Environmental Law and named in memory of **Prof. Erik Bluemel**, a former member of the DU Law faculty, the ELC has created the "Erik Bluemel International Environmental Law Scholar" position to work on the international docket. **Ms. Leandra Zanqueta** (prospective May 2010 LLM graduate) was selected as the inaugural scholar.

Working under the supervision of **Prof. Michael Harris**, director of the ELC, Ms. Zanqueta, who is a native of Brazil, will research and write about developing legal strategies in the international sphere regarding the environmental and human rights impacts of mega-dam projects (those higher than 15 meters or more than 3 million cubic meters) in Latin America.



Announcing
The 2009-2010 Natural Resources Practitioner-in-Residence
Howard Kenison, JD'72

EVENTS AND ANNOUNCEMENTS:

DU Environmental Moot Court Competition

This fall the **Natural Resources and Environmental Law Society** held the DU Environmental Moot Court Competition. 12 students wrote appellate briefs based on a current issue under the Clean Water Act. On September 26, the teams competed in oral arguments, with the top two teams after preliminary rounds advancing to the finals. The winning team of Alexa Tetzlaff and Kathlyn Bullis was invited to join DU's team at the Pace National Environmental Moot Court Competition in February 2010. Joining Alexa and Kathlyn on the team will be Dan Vedra, who was rated as the best oralist from the competition. Thanks to all the competitors and good luck to the Pace team!

RENEWABLE ENERGY: Legal Challenges and Solutions For the Green Economy

A webinar sponsored by the
ABA Standing Committee
on Environmental Law –
Cosponsored by the ABA
Section of Business Law

Hosted by
the University of Denver
Sturm College of Law

November 20, 2009
10:00 am - 12:00 Noon (MST)

COMING UP..

February 12-13, 2010:

Sustainable Development, Corporate Governance, and International Law

The **International Legal Studies Program**, the **Nanda Center for International Law**, the **Denver Journal of International Law & Policy** at the Sturm College of Law, and the International Law Section of the Colorado Bar Association will host the **American Branch International Law Association's International Law Weekend West**. At the conference, scholars, teachers and practitioners in international, environmental, and natural resources law will participate in deliberations on issues of sustainability in areas such as energy, minerals, trade, water and human rights. The conference is in conjunction with the College of Law's annual Sutton Colloquium in International Law.
www.law.du.edu/index.php/the-ved-nanda-center

Water Law Review Symposium Early April 2010

<http://www.law.du.edu/index.php/university-of-denver-water-law-review>



THE NEW AMERICAN LANDSCAPE
19th Annual Land Use Conference
March 4-5, 2010
www.law.du.edu/rmlui

WHAT ARE ENRLP FACULTY UP TO?

PUBLICATIONS, PRESENTATIONS, MEDIA APPEARANCES, ETC.

Publications

Federico Cheever, *Natural Resources: A Place Based Book of Problems and Cases*, with Christine Klein of the University of Florida and Bret Birdsong of the University of Nevada (Aspen Publishing, 2009).

K.K. DuVivier, *Animal, Vegetable, Mineral—Wind?: The Severed Wind Power Rights Conundrum*, 49 WASHBURN L. J. 69 (forthcoming 2009).

K.K. DuVivier & Roderick E. Wetsel, *Jousting at Wind Mills: When Wind Power Development Collides with Oil, Gas, and Mineral Development*, 55 ROCKY MTN. MIN. L. INST. Paper No. 9 (forthcoming 2009).

Jan Laitos, *Natural Resources Law* 2d ed. (West Publishing, forthcoming 2011).

Jan Laitos, *Law of Toxic Substances and Hazardous Waste* 2d ed. (Foundation Press, forthcoming 2010).

Jan Laitos, *The Right of Nonuse* (Oxford Univ. Press, forthcoming 2011).

Don C. Smith, "Transmission Top of the Agenda," 24 *Renewable Energy Focus* (September/October 2009).

Don C. Smith, "U.S. Legislation Sets Federal Renewable Electricity Standard," 26 *Renewable Energy Focus* (July/August 2009).

Rock Pring, (with Kitty Pring), *A Comprehensive Global Study of Specialized Environmental Courts and Tribunals* (ECTs), (World Resources Institute, December 2010).

Ed Ziegler, "The Case for Megapolitan Growth Management in the Twenty-First Century: Regional Urban Planning and Sustainable Development in the United States," 1 *International J. of Law in the Built Env't.* 105 (2009) (University of Manchester, UK).

Ed Ziegler, two updates to law treatise, *Rathkopf's The Law of Zoning and Planning*, (Thomson West 2009).

Presentations:

Federico Cheever, "The Phantom Menace: Wildland Fire, Causation, Conventional Wisdom and Sovereign Immunity," *Rocky Mountain Mineral Law Foundation—National Resources Law Teachers Biennial Institute* (Chico, Mont., May 2009).

Federico Cheever, "The Endangered Species Act and the Obama Administration," to the Environmental Section of the Colorado Bar Association (October 2009).

Fred Cheever, moderator, "The Impact of Global Climate Change and Energy: Developments on Endangered Species" at the *38th ABA-SEER Environmental Law Conference*, Keystone, Colo. (March 2009).

K.K. DuVivier, "Jousting at Windmills: When Wind Power Development Collides with Oil, Gas, and Mineral Development," *Rocky Mountain Mineral Law Foundation—55th Annual Institute* (San Francisco, Calif., July 2009).

K.K. DuVivier, "Slicing the Sky: Prospecting for Wind Rights as Severable Estates," *Rocky Mountain Mineral Law Foundation—National Resources Law Teachers Biennial Institute* (Chico, Mont., May 2009).

K.K. DuVivier, "Green, Greener, Greenest, Navigating the Forest of 'Green' Building Standards," *Rocky Mountain Land Use Institute* (Denver, Colo., March 2009).

Jan Laitos, "The Right of Nonuse" at the Conference of Resource Economics, Kauai, Hawaii (June, 2009).

Jan Laitos, "The Emerging Right of Resource Nonuse" at the *Rocky Mountain Mineral Law Foundation's Annual Institute - 55th Annual Institute* (San Francisco, Calif., July 2009).

Jan Laitos, Seminar, "American Natural Resources Law," Austral University School of Law, Buenos Aires, Argentina (August, 2009).

Rock Pring, (with **Kitty Pring**), "The Environmental Courts and Tribunals (ECT) Study," to justices, judges, and other officials and academics in Thailand, China and Australia. The ECT examines the over-270 existing or in-development ECTs now found in 41 countries, and was developed through on-site visits and more than 150 interviews with experts in 24 countries. The goal is a practical guidebook of models, operational alternatives, and best practices to assist countries in establishing or improving these specialized bodies for resolving environmental disputes.

James VanHemert, "Model Sustainable Development Codes and Natural Hazards" at the *Annual Hazards Research and Applications Workshop*, University of Colorado at Boulder (July 2009).

Ed Ziegler, "American Cities and Sustainable Urban Development," University of Paris 1 Pantheon-Sorbonne, the University of Barcelona Institute for the Study of Public Law, and the University of Trento School of Comparative Local Development and Global Studies (throughout 2009).

In Other News:

Fred Cheever served as the first chair of the University of Denver Sustainability Council. In that role he worked with students, faculty and staff from across the University and representatives of state and local government. The Sustainability Council created the DU Sustainability Plan, a comprehensive plan for the entire University, which was adopted by the Board of Trustees and includes a strategy to achieve "carbon neutrality" for the University by 2050.

Fred Cheever, Re-elected RMMLF Trustee at Large, an honor rarely granted to academics.

K.K. DuVivier, **Mike Harris**, and **Fred Cheever**, Co-taught an Environmental Partners course, "Environmental Laws & Regulations," to approximately 35 employees of the Army Corps of Engineers from all over the U.S., Denver, Colo. (August 17-21, 2009).

K.K. DuVivier, The net-zero, micro-load house that Prof. DuVivier and her husband designed following the German Passive Haus standards was completed in late 2008 and selected to be on the National Solar Home Tour on October 3, 2009.



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DU LAW LEGAL EXTERNSHIP PROGRAM: ONE OF THE LARGEST IN THE COUNTRY



The University of Denver Sturm College of Law is located in one of the premier legal centers in the world for environmental, natural resources and renewable energy law. DU's Legal Externship Program has a strong focus on externships in these areas. Externs in the program work with leading federal, state and local government agencies, international, national and local public interest organizations, and private law firms and corporations, each of which offers

legal learning and career advancement opportunities. Working under the guidance of a dedicated attorney mentor, students participate in everything from drafting legal documents to attending court and a wide range of business meetings. The law school's Legal Externship Program is also one of the largest of its kind in the country: 66% of students in our 2009 graduating class participated in a legal externship. 429 students participated in legal externships during the 2009 academic year in 255 different externship placements. Approximately 15% of our students extern each year in the environmental, natural resources and renewable energy areas. Placements include the Environmental Protection Agency, The Nature Conservancy, and Earth Justice, as well as outstanding private law firms and corporations. As Colorado and the country focus on a New Energy Economy, we are creating more placements in the area of renewable energy. For example, this year, several of our students have worked with Bye Energy, a start-up organization focused on expediting the commercialization of alternative energy sources in renewable biofuels.

— Ann Vessels, director of the Legal Externship Program

Our students work with many of the most outstanding environmental and natural resource organizations in the Front Range and throughout the world. We appreciate the work of our mentors and welcome others interested in working with our students. To become a mentor in the Legal Externship Program, please contact Ann Vessels, director, avessels@law.du.edu.

Two of our recent students described their externships this way:



This was the best experience I had in law school. The substantive work was both challenging and of significance to the office, so the bar was raised high. Working with a real client provided an invaluable bridge to the practice world one can't get in a classroom. I worked on issues as varied as wind power development on federal lands and managing the size of the elk population on a federal refuge. The interaction with the attorneys in the office and the clients of the DOI was invaluable. My mentor included me in every meeting or experience possible, and also offered great career advice.

— Kate Williams-Shuck,
Externing with Dana Jacobsen,
Solicitor's Office,
U.S. Department of the Interior

I gained a whole new appreciation and skill set for the drafting of legal documents. I've also gained considerable knowledge about corporate business practices and the partnerships that had previously been mysteries to me. [I was able to participate in] everything from company-wide meetings to CLEs regarding renewable fuels, to Renewable Energy Task Force meetings. We saw negotiations between clients, investors, and partners develop into actual legal issues and were there from start to finish on many of the deals that our company brokered.

— Adam Royval,
Externing with Debra Wilcox,
Bye Energy



New Clinic Fellowship

Kevin Lynch joined the Environmental Law Clinic this year as its Fellow. Previously Kevin worked as an attorney in the Climate and Air Program at Environmental Defense Fund, in Boulder, Colorado. Before law school, Kevin was a consultant in the energy industry. He received his J.D. from New York University School of Law and a B.A. in biology from Rice University in Houston, Texas. Kevin has experience working at the state and federal level on regulatory and permitting issues related to climate change, air quality, and energy policy, as well as litigation experience in state and federal courts. His research interests include energy, environmental, and administrative law.

Kevin Lynch