

Wyatt Gregory Sassman

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Research Interests

Environmental justice, litigation, and critical theory.

Experience

2018 – present	University of Denver, Sturm College of Law Assistant Professor of Law Course: Environmental Law Clinic & Seminar (2018 – present) Affiliation: Center for Environmental Justice, Colorado State University (2020 – present)
	Georgetown University Law Center Clinical Teaching Fellow
	Southern Environmental Law Center Associate Attorney
2016 – 2018	
2014 – 2016	
2013 – 2014	U.S. Court of Appeals for the Sixth Circuit Law clerk to Judge Gilbert S. Merritt, Jr.

Education

2018	LL.M.	Georgetown University Law Center (<i>with distinction</i>)
2013	J.D.	Vanderbilt University Law School <ul style="list-style-type: none">• Bennett Douglas Bell Memorial Award (awarded by faculty for commitment to public-interest law)• Executive Editor, Environmental Law & Policy Annual Review• Research assistant to J.B. Ruhl
2010	B.A.	Vanderbilt University (<i>magna cum laude</i> , Political Science)

Publications

Work-in-progress

A New National Environmental Policy: NEPA and the Green New Deal – This article addresses the looming conflict between the National Environmental Policy Act of 1969 and the Green New Deal. Scholars and popular writers have warned that the Green New Deal’s infrastructure goals will face resistance from “old” environmental laws that frequently delay projects, such as NEPA. They have called for NEPA reform, but have not offered a vision for reform consistent with the Green New Deal’s commitments to economic, social, and environmental justice. I contribute to this debate by proposing reforms that revive NEPA’s original structure and legislative purpose to advance the Green New Deal’s justice goals.

Journal Articles

Beyond Emissions: Migration, Prisons, and the Green New Deal

51 ENVTL. L. ____ (2021) (forthcoming) (with Danielle C. Jefferis).

Critical Questions in Environmental Law

98 U. DETROIT MERCY L. REV. ____ (2020) (forthcoming) (symposium on Race, Class, and Environmental Justice).

How Circuits Can Fix Their Splits

103 MARQ. L. REV. 1401 (2020).

- “Recommended” on [Legal Theory Blog](#), Oct. 10, 2019.
- Featured on appellate litigation blog [How Appealing](#), Sept. 30, 2019.

Introducing the Tenth Circuit Database Project
97 DENV. L. REV. 383 (2020).

Cases as Fictions: Clinical Methods in Teaching and Scholarship
4 SAVANNAH L. REV. 95 (2017) (symposium on American Legal Fictions).

A Survey of Constitutional Standing in State Courts
8 KY. J. EQUINE, AGRIC. & NAT. RESOURCES L. 349 (2016).

- Featured on [Legal Theory Blog](#), June 6, 2017.
- Quoted by Supreme Court of Kentucky in *Dep't for Medicaid Servs. v. Sexton*, 566 S.W.3d 185, 193-94 (Ky. 2018).

Environmental Justice as Civil Rights
18 RICH. J. L. & PUB. INT. 441 (2015).

The Grass is Always Greener: Keystone XL, Transboundary Harms, and Guidelines for Cooperative Environmental Assessment
45 VAND. J. TRANSNAT'L L. 1489 (2012) (note).

Book Chapter

Energy and Climate Change (with James Blanding Holman, VI) in ENVIRONMENTAL LAW IN SOUTH CAROLINA (Wyche & Finklea eds., 3d ed. 2016).

Reviews and Shorter Works

Excavating Congress's Relationship to the Administrative State, JOTWELL (July 25, 2018) (reviewing Maggie McKinley, *Petitioning and the Making of the Administrative State*, 127 YALE L.J. 1538 (2018)).

Applying Originalism, 63 UCLA L. REV. DISC. 154 (2015), featured on [The Originalism Blog](#), Feb. 4, 2016.

On Being Mostly Right, JOTWELL (March 3, 2016) (reviewing Samuel Bray, *The Supreme Court and the New Equity*, 68 VAND. L. REV. 997 (2015)), featured on [PrawfsBlawg](#), March 3, 2016.

Administrative Compliance Orders and Due Process After Sackett, TENN. B. ASS'N ENVTL. L. SEC. NEWSL. (July 2013) (Winner of 2013 Jon E. Hastings Memorial Award for writing in environmental law) ([link](#)).

Presentations

1. Colloquium on Environmental Scholarship, "A New National Environmental Policy: NEPA and the Green New Deal," South Royalton, Vermont (remotely), 2020.
2. Sabin Colloquium on Innovative Environmental Law Scholarship, "A New National Environmental Policy: NEPA and the Green New Deal," New York (remotely), 2020.
3. Detroit Mercy Law Review Symposium on Race, Class and Environmental Justice, "Critical Influences in Environmental Law," Detroit, 2020.
4. AALS Annual Meeting, "Immigration and Environmental Regulation: Towards Justice?," Washington D.C., 2020
5. 7th Annual Southern Clinical Conference, LSU Law Center, "How Circuits Can Fix Their Splits," Baton Rouge, 2017
6. Northwestern School of Law, Bluhm Legal Clinic, Public Interest Practicum, 2016
7. Duke University, Nicholas School of the Environment, Ocean Policy Work Group, "Coastal Conversations," Charleston, 2016
8. Charleston School of Law, Eighth Law & Society Symposium, "The Law of Energy," Charleston, 2016
9. UCL Laws Postgraduate and Early Careers Conference, "The Relationship Between Law and Environmental Science," London, 2014

Bar Admissions

Colorado, District of Columbia, South Carolina (inactive), Texas

United States Supreme Court; United States Courts of Appeals for the Fourth, Sixth, Ninth, Tenth, and District of Columbia Circuits; United States District Courts for the Districts of Colorado and Columbia.

With University of Denver Environmental Law Clinic (2018 – present)

American Lung Assoc., et al. v. U.S. EPA, No. 19-1140 (D.C. Cir.)

Authored amicus brief on behalf of historic-preservation advocates highlighting how EPA's rollback of the Clean Power Plan and replacement Affordable Clean Energy rule will irrevocably damage historic places and communities.

Juliana, et al. v. United States, No. 18-36082 (9th Cir.)

Authored amicus brief on behalf of children's rights advocates in support the youth plaintiff's petition for rehearing en banc, detailing remedies provided by the federal courts when government policy uniquely harms children.

Hill v. Warsewa, et al., No. 19-1025 (10th Cir.)

Authored amicus brief on behalf of law professors in a fishing access case, discussing the application of the Equal Footing Doctrine and public trust principles to Colorado's navigable rivers.

Save the Colorado, et al. v. U.S. Bureau of Reclamation, No. 1:17-cv-02563 (D. Colo.)

Challenging federal decisions under NEPA and the CWA to permit a large water resource project that would seriously damage the Colorado River without considering available data on water demand and climate change.

Grand Valley Citizens Alliance v. Colorado Oil & Gas Conserv. Comm'n, 2019CV30618 (Denv. Dist. Ct.)

Challenging the Commission's decision to permit the fifth industrial-scale fracking project in a residential community without considering, among other things, the cumulative impacts of the projects.

Neighbors Affected by Triple Creek v. Colorado Oil & Gas Conserv. Comm'n, 2018CA116 (Colo. Ct. App.)

Challenging the Commission's decision to permit an industrial-scale fracking project in the middle of a residential community without considering mitigation measures requested by the community.

Weld Air & Water, et al. v. Colorado Oil & Gas Conserv. Comm'n, 2018CA1147; *cert. denied* 2019SC505 (Colo. 2020).

Challenging the Commission's decision to permit an industrial-scale fracking project next to the playgrounds and ballfields of a middle school serving a low-income, Spanish-speaking community. Received the first published decision in Colorado finding citizen standing to challenge oil & gas permits, and subsequently defeated the agency's petition for certiorari to the Colorado Supreme Court on that issue.

With Georgetown Law Appellate Courts Immersion Clinic (2016 – 2018)

Cirocco v. McMahon, No. 18-1096 (10th Cir.)

Federal-sector Title VII case, asking whether exhaustion of administrative remedies is a jurisdictional requirement, among other things.

United States v. Mitchell, ___ F.3d ___ (6th Cir. 2018)

CJA appointment defending grant of habeas relief from government appeal and cross-appealing district court's decision to impose supervised release after the defendant overserved his statutory maximum sentence by over 7 years.

Jones v. Medtronic, ___ Fed. Appx. ___, (9th Cir. 2018)

Pro bono appointment to federal-preemption case, asking whether federal regulation preempts state-law claims based on a medical device manufacturer's promotion of unapproved, or "off-label," uses of its products.

Alvarez v. City of Brownsville, 904 F.3d 382 (5th Cir. 2018) (en banc)

Section 1983 case, asking whether due process under *Brady v. Maryland* requires the government to disclose exculpatory evidence when negotiating a plea agreement.

Lockwood, Andrews & Newman v. Mason, No. 16-1092, *cert. denied* 137 S.Ct. 2242 (2017)

Supervised clinic students who assisted small plaintiffs' firm in drafting brief opposing certiorari in a Class Action Fairness Act case arising out of the Flint water crisis.

General Motors v. Elliott, No. 16-764, *cert. denied* 137 S.Ct. 1813 (2017)

Supervised clinic students who assisted Georgetown Law professor Gary Peller in drafting brief opposing certiorari on complex due process issues stemming from GM's "Great Recession" bankruptcy.

Advocate Health Care Network v. Stapleton, 137 S.Ct. 1652 (2017)

Merits-stage amicus brief on behalf of National Employment Lawyers Association in case about whether ERISA plans maintained, but not established, by certain church affiliates are exempt from ERISA's protections for retirees.

Lyons v. Johns Hopkins Hospital, 712 Fed. Appx. 287 (4th Cir. 2017) (argued)

Americans with Disabilities Act case, asking whether a disabled social worker is excluded from the protection of the ADA under the statutory exception for "current drug users," among other things.

Endrew F. v. Douglas County School District, 137 S.Ct. 988 (2017)

Merits briefing in an Individuals with Disabilities Education Act case, deciding what the statutory guarantee of a "free and appropriate education" requires.

With Southern Environmental Law Center (2014 – 2016)

Congaree Riverkeeper v. Carolina Water Services, 248 F. Supp. 3d 733 (D.S.C. 2017)

Clean Water Act citizen suit against a privately-owned wastewater treatment facility resulting in a permanent injunction prohibiting any discharge into the river and over \$1.5 million in civil penalties.

Preservation Soc'y v. S.C. Dept. of Health & Envtl. Control, 2017 WL 4838490 (S.C. Ct. App. 2017)

State wetlands permitting case, appealing state administrative law court decision on standing.

S.C. Coastal Conservation League v. U.S. Army Corps of Engineers, 789 F.3d 475 (4th Cir. 2015)

Federal wetlands permitting case, appealing district court's decision on standing and mootness.