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**Professional Background**

Stanford Law School

*Robert E. Paradise Professor in Natural Resources Law* (1995-present)

*Vice Dean* (1999-2004)

Principal subjects: environmental, natural resources, water resources, and property

Woods Institute for the Environment at Stanford University

*Perry L. McCarty Director* (2004-present)

*Senior Fellow* (2005-)

Freeman-Spogli Institute for International Studies at Stanford University

*Senior Fellow (by courtesy), Center for Environmental Science & Policy* (2001-present)

Emmett Interdisciplinary Program on Environment and Resources

*Executive Committee* (2002-present)

*Core Faculty* (2002-present)

Supreme Court of the United States

*Special Master, Montana v. Wyoming* (2008-present)

Hoover Institution for War, Revolution, and Peace, Stanford University

*Visiting Fellow* (Spring 1999)

O'Melveny & Myers, Los Angeles

*Partner* (1984-1986)

*Associate* (1978-1983)

University of California at Los Angeles

*Instructor* (1980-1983: water resources)

United States Supreme Court

*Law clerk to Justice William H. Rehnquist* (1977-1978)

United States Court of Appeals, San Francisco  
*Law clerk to Judge Joseph T. Sneed (1976-1977)*

### **Educational Background**

Stanford Law School, J.D. 1976

Stanford Business School, M.B.A. 1976

Stanford University, A.B. 1972 (Economics and Political Science)

### **Books**

MANAGING CALIFORNIA'S WATER: FROM CONFLICT TO RECONCILIATION (2011) (Public Policy Institute of California) (with Ellen Hanak, Jay Lund, Ariel Dinar, Brian Gray, Richard Howitt, Jeffrey Mount, Peter Moyle)

ENVIRONMENTAL LAW & POLICY: CONCEPTS AND INSIGHTS (3d ed. 2010) (Foundation Press) (with James Salzman)

LEGAL CONTROL OF WATER RESOURCES (4<sup>th</sup> ed. 2006) (West Group) (with Joseph Sax, John Leshy, and Robert Abrams)

PROPERTY: OWNERSHIP, USE, AND CONSERVATION (2006) (Foundation Press) (with Paul Goldstein)

### **Edited Books**

ENDANGERED SPECIES PROTECTION & FEDERALISM (2011) (with Kaush Arha)

UNITED STATES AGRICULTURAL POLICY AND THE 2007 FARM BILL: PROMOTING THE ECONOMIC RESILIENCE AND CONSERVING THE ECOLOGICAL INTEGRITY OF AMERICAN FARMLANDS (2007) (with Kaush Arha, Tim Josling, and Daniel A. Sumner)

### **Monographs**

CALIFORNIA WATER MYTHS (Public Policy Institute of California) (with Ellen Hanak, Jay Lund, Ariel Dinar, Brian Gray, Richard Howitt, Jeffrey Mount, & Peter Moyle)

TAKING STOCK OF THE REGIONAL FISHERY MANAGEMENT COUNCILS (Pew Science Series) (with Josh Eagle & Sarah Newkirk)

### **Articles & Book Chapters**

*Water as a Public Commodity*, 95 MARQUETTE L. REV. 17 (2004)

*Beyond Connections: Pursuing Multidimensional Conjunctive Management*, 47 IDAHO L. REV. 265 (2011)

*Federalism under the Endangered Species Act*, in THE ENDANGERED SPECIES ACT AND FEDERALISM: EFFECTIVE CONSERVATION THROUGH GREATER STATE COMMITMENT 3 (with Kaush Arha)

*Toward Greater State and Local Commitment*, in THE ENDANGERED SPECIES ACT AND FEDERALISM: EFFECTIVE CONSERVATION THROUGH GREATER STATE COMMITMENT 307 (with Kaush Arha)

*Comprehensive Planning, Dominant-Use Zones, and User Rights: A New Era in Ocean Governance*, 86 BULLETIN OF MARINE SCI. 273 (2010) (with James N. Sanchirico, Josh Eagle, & Stephen R. Palumbi)

*Sustainable Product Indexing: Navigating the Challenge of Ecolabeling*, 15(3) ECOLOGY & SOCIETY 8 (2010) (with J.S. Golden, K.J. Dooley, J.M. Anderies, G. Gereffi, & L. Pratson)

*Myths of California Water – Implications and Reality*, 16 WEST-NORTHWEST J. ENVTL. L. 3 (2010) (with Ellen Hanak, Jay Lund, Ariel Dinar, Brian Gray, Richard Howitt, Jeffrey Mount, & Peter Moyle)

*Ecosystem Services & Natural Capital: Reconceiving Environmental Management*, 17 NYU ENVTL. L.J. 460 (2008)

*Promoting the Public's Interest*, 14 WEST-NORTHWEST J. ENVTL. L. 22 (2008)

*Institutional Incentives for Managing the Landscape: Inducing Cooperation for the Production of Ecosystem Services*, 64 ECOLOGICAL ECONOMICS 333 (2007) (with Rebecca Goldman & Gretchen Daily)

*Managing for Ecosystem Services on U.S. Agricultural Lands*, in UNITED STATES AGRICULTURAL POLICY AND THE 2007 FARM BILL 5 (2007) (with Rebecca Goldman & Gretchen Daily)

*Conserving Ecosystem Services Across Agrarian Landscapes*, in UNITED STATES AGRICULTURAL POLICY AND THE 2007 FARM BILL 207 (2007) (with Kaush Arha, Tim Josling, and Daniel A. Sumner)

*The Public Trust Doctrine: A Conservative Reconstruction & Defense*, 15 SOUTHEASTERN ENVTL. L.J. 47 (2006-2007)

*The Environment and Natural Resources*, in 3 STATE CONSTITUTIONS FOR THE TWENTY-FIRST CENTURY 307 (2006)

*Chief Justice William H. Rehnquist: Prizing People, Place, and History*, 58 STAN. L. REV. 1695 (2006)

*Watershed Protection: Capturing the Benefits of Nature's Water Supply Services*, 29 NATURAL RESOURCES FORUM 98 (2005) (with Sandra Postel)

*Conservative Environmental Thought: The Bush Administration and Environmental Policy*, 32 ECOLOGY L. Q. 307 (2005)

*Uncertainty and Markets in Water Resources*, 36 MCGEORGE L. REV. 117 (2005)

*Water Management and Land Use Planning: Is It Time for Closer Coordination?*, in WET GROWTH: SHOULD WATER LAW CONTROL LAND USE? (Craig Anthony (Tony) Arnold, ed. 2005)

*The Trouble with Time: Influencing the Conservation Choices of Future Generations*, 44 NAT. RESOURCES J. 601 (2004)

*What Good Is Economics?*, 37 U.C. DAVIS L. REV. 175 (2003)

*Answering Lord Perry's Question: Dissecting Regulatory Overfishing*, 46 OCEAN & COASTAL MANAGEMENT 649 (2003)

*Constitutionalizing the Environment: The History and Future of Montana's Environmental Provisions*, 64 MONT. L. REV. 157 (2003)

*Providing Biodiversity Through Policy Diversity*, 38 IDAHO L. REV. 355 (2002)

*Conservation Options: Toward a Greater Private Role*, 21 VA. ENVTL. L.J. 245 (2002)

*Protecting Ecosystem Services: Science, Economics, and Law*, 20 STAN. ENVTL. L.J. 309 (2001) (with James Salzman and Gretchen C. Daily)

*Markets for Nature*, 25 WM. & MARY ENVTL. L. & POL'Y REV. 261 (2000)

*Tragically Difficult: The Obstacles to Governing the Commons*, 30 ENVTL. L. 241 (2000)

*The Continuing Innovation of Citizen Enforcement*, 2000 U. ILL. L. REV. 185

*The Allure of Consequential Fit*, 51 ALA. L. REV. 1261 (2000)

*Water Allocation and Protection: A United States Case Study*, in EARTH SYSTEMS: PROCESSES AND ISSUES (W.G. Ernst ed., 2000)

*People or Prairie Chickens: The Uncertain Search for Optimal Biodiversity*, 51 STAN. L. REV. 1127 (1999)

*Endangered Species*, in THE NEW PALGRAVE DICTIONARY OF ECONOMICS & LAW (1998)

*Water Law as a Pragmatic Exercise: Professor Joseph Sax's Water Scholarship*, 25 ECOLOGY L.Q. 363 (1998)

*Water Federalism: Governmental Competition and Conflict Over Western Waters*, in ENVIRONMENTAL FEDERALISM (Terry L. Anderson & Peter J. Hill eds. 1997)

*The Endangered Species Act: A Case Study in Takings & Incentives*, 49 STAN. L. REV. 601 (1997)

*Environmental Policy and State Constitutions: The Potential Role of Substantive Guidance*, 27 RUTGERS L.J. 863 (1996)

*Resource Use and the Emerging Law of "Takings": A Realistic Appraisal*, 42 ROCKY MT. MIN. L. INST. 2-1 (1996)

*Water Markets and the Problem of Shifting Paradigms*, in WATER MARKETING--THE NEXT GENERATION (Terry L. Anderson & Peter J. Hill, eds. 1996)

*Legal Disconnections Between Ground and Surface Water*, in MAKING THE CONNECTIONS: PROCEEDINGS OF THE TWENTIETH BIENNIAL CONFERENCE ON GROUND WATER (Univ. Cal. Water Resources Center Report No. 88, June 1966)

*Foreword: The Search for Regulatory Alternatives*, 15 STAN. ENVTL. L.J. viii (1996)

*Environmental Policy and the State Constitution*, in CONSTITUTIONAL REFORM IN CALIFORNIA: MAKING STATE GOVERNMENT MORE EFFECTIVE AND RESPONSIVE (Institute of Governmental Studies Press, University of California 1995)

*Takings and Water Rights*, in WATER LAW: TRENDS, POLICIES, AND PRACTICE (American Bar

Assn. 1995)

*Foreword*, in STRATEGIES FOR ENVIRONMENTAL ENFORCEMENT (Stanford Environmental Law Society 1995)

*Institutional Perspectives on Water Policy and Markets*, 81 CALIF. L. REV. 671 (1993)

*A History of the "Judicial Impairment Doctrine" and Its Lessons for the Contract Clause*, 44 STAN. L. REV. 1373 (1992)

*A Comment on Economic Analysis and Just Compensation*, 12 INT'L REV. L. & ECON. 141 (1992)

*Judicial Takings*, 76 VA. L. REV. 1449 (1990)

*Water Law and the Development of Geothermal Resources*, 14 NAT. RESOURCES LAW. 635 (1982) (with Owen Olpin)

*Income From the Discharge of Indebtedness: The Progeny of United States v. Kirby Lumber*, 66 CALIF. L. REV. 1159 (1979) (with Boris I. Bittker)

*Injunction Negotiations: An Economic, Moral, and Legal Analysis*, 27 STAN. L. REV. 1563 (1975)

### **Studies**

*Valuing the Protection of Ecological Systems and Services: A Report of the EPA Science Advisory Board* (United States Environmental Protection Agency, May 2009) (chair of report committee)

*A Model Water Transfer Act for California* (California Business Roundtable, May 1996) (with Brian E. Gray, Richard Howitt, Lawrence J. MacDonnell, & Henry J. Vaux, Jr.)

*An Economic Analysis of Water Availability in California Central Valley Agriculture* (Stanford University, Center for Economic Policy Research, February 1992) (with Sandra Archibald)

### **Other Publications**

*Sustainable Water Use: Envisioning a Sustainable Water Future for the American West*, THE WATER REPORT, May 15, 2011, at p. 8

*Transforming Ivory Towers to Eco-versities*, STANFORD REPORT (Aug. 22, 2007) (with Jeff

Koseff)

*Sustainable Agriculture Should Become New Farm Bill Priority*, SAN JOSE MERCURY NEWS, July 26, 2007, p. 15A (with Katherine Ellison)

*Wheeling Wars*, WATER STRATEGIST (July/Aug. 2000)

*Will Reserved Rights Federalize Groundwater?*, WATER STRATEGIST (Feb. 2000)

*Privatization of the Municipal Water Industry*, LOOKING AHEAD (May/June 1999)

*MWD's Ill-Advised Broadside on Agricultural Water Rights*, WATER STRATEGIST (Feb. 1999)

### **Selected Lectures & Presentations**

*Defracting: Overcoming Fragmentation in the United States Water Governance* (Trans-Jurisdictional Water Governance Workshop, Sydney Australia, December 9, 2013)

*Allocating Interstate Rivers after Arizona v. California* (Martz Summer Conference, Boulder, Colorado, August 15, 2013)

*Governance of Water in the Western United States: Learning to Live with Inefficient Institutions* (MIT-CSIS Energy-Water-Land Workshop, Washington, D.C., May 6, 2013)

*The Co-Evolution of Water Institutions and Agriculture* (University of Denver Sturm College of Law, Denver, Colorado, April 1, 2013)

*Imagining a New Sustainable Water Future for the West* (California Water Law, 19<sup>th</sup> Annual Conference, Sacramento, California, December 9, 2011)

*Ending the Drought: Stanford's Work to Solve Our Growing Water Plight in the West* (Stanford Alumni Event, Fresno, California, April 29, 2011)

*Beyond Connections: Multidimensional Conjunction Management of Groundwater* (University of Idaho's 2011 Symposium on Water Law, Boise, Idaho, April 15, 2011)

*The Need for (and Obstacles to) Regional Collective Action in Climate Adaptation* (Research Roundtable: Climate Change, Adaptation, and Environmental Law, Chicago, Illinois, April 8, 2011)

*Water as a Public Commodity: Integrating Conflicting Visions of Freshwater* (Environmental Law Scholarship Workshop, UC Berkeley, Berkeley, California, February 7, 2011)

*Merging Competing Images of Water Management* (Symposium on New Approaches to Institutional Management and Design for Water Resources, Austin, Texas, February 4, 2005)

*Water Futures* (Keynote Address, California Water Law Symposium: Water in the 21<sup>st</sup> Century, San Francisco, California, January 22, 2005)

*Conservative Environmental Thought* (American Association of Law Schools Annual Conference, San Francisco, California, January 7, 2005)

*The Endangered Species Act and State Management* (Western Governors' Association, Endangered Species Act Executive Summit, San Diego, California, December 3, 2004)

*Protecting the Environment in a Federal Constitutional System* (International Conference on Federalism, Bellagio, Italy, March 25, 2004)

*Water Privatization in the United States* (Eastern Water Law Conference, Hollywood, Florida, May 7, 2004)

*New Innovations in Water Markets* (Symposium on Water Markets, Sacramento, California, March 19, 2004)

*Biodiversity and Working Landscapes* (University of Colorado School of Law, Boulder, Colorado, March 12, 2004)

*Borders and Environmental Law* (University of California at Davis School of Law, Davis, California, February 11, 2004)

*Saving Endangered Species on the Working Landscape* (Conference on the Endangered Species Act at 30, Santa Barbara, California, November 14, 2003)

*Takings and the Supreme Court: 25 Years Later* (6<sup>th</sup> Annual Conference on Litigating Regulatory Takings Claims, New York City, New York, October 31, 2003)

*Water Rights: Why Businesses Should Care About Scarcity and Accessibility* (American Corporate Counsel Association Annual Meeting, San Francisco, California, October 8, 2003)

*Water Transfers: Wave of the Future or Idea of the Past?* (Conference on A Decade of Water Policy Reform: The CVPIA in 2003, San Francisco, California, September 12, 2003)

*Global Resource Conflicts: An Overview of Water Issues & Law in the United States and Abroad* (ABA Annual Meeting, San Francisco, August 10, 2003)



- What Good Is Economics* (Symposium on Environmental Ethics and Policy, University of California at Davis, April 4, 2003)
- Watersheds, Natural Capital, and Water* (John M. Olin Conference on Watershed Management, University of Virginia School of Law, Charlottesville, Virginia, March 20, 2003)
- Current Issues in Water Rights and Takings* (Annual ABA Conference on Water Law, Coronado, California, February 2003)
- Water and Land Use* (Conference on Wet Growth, Chapman Law School, Orange, California, February 2003)
- The Trouble with Time* (Conference on Private Land Conservation, Big Sky, Montana, December 2002)
- Learning to Love Penn Central: The Lessons of Tahoe-Sierra Preservation Council* (5<sup>th</sup> Annual Conference on Litigating Regulatory Takings Claims, Berkeley, California, October 2002)
- Constitutionalizing the Environment* (Conference on the 30<sup>th</sup> Anniversary of the Montana Constitution, Missoula, Montana, September 2002)
- Policy Diversity and Biodiversity* (Symposium on Biodiversity and Private Property, University of Idaho, Boise, Idaho, April 2002)
- Balance and Conflict: Environmental Challenges Facing the Western United States* (panel discussion at the Ninth Circuit Judicial Conference, Big Sky, Montana, July 2001, reproduced at 14 Western Leg. Hist. 43 (2001))
- Using Water More Efficiently: Opportunities for Water Conservation* (Conference on Two Decades of Water Law and Policy Reform: A Retrospective and Agenda for the Future, University of Colorado, Boulder, Colorado, June 13, 2001)
- Preserving Watersheds to Preserve Water Quality: The New York City Example* (11<sup>th</sup> Natural Resources Law Teachers Institute, Estes Park, Colorado, June 1, 2001)
- Tragically Difficult: Managing the Nation's Fisheries* (Invited Presentation, Donald Bren School of Environmental Science and Management, Santa Barbara, California, May 11, 2001)
- Wheeling Water: Issues and Possible Solutions* (Conference on California Water Law, CLE International, San Francisco, California, April 6, 2001)
- Using Ecosystem Services to Preserve Watersheds* (Conference on Ecosystem Services, Stanford Law School, Stanford, California, November 16, 2001)

*Privatization of Municipal Water Supplies* (Conference on Competitiveness of Municipal Water and Wastewater Enterprises, Urban Water Institute, San Francisco, California, November 13, 2001)

*Borders and the Environment* (Distinguished Visiting Scholar Lecture, Florida State University, Tallahassee, Florida, October 25, 2000)

*Conservation Options: Toward a Greater Private Role* (Conference on Saving Nature: Theories, Tools, and Strategies in Environmental Conservation, University of Virginia School of Law, Charlottesville, Virginia, October 19, 2000)

*Alternative Ways of Responding to Environmental Problems* (Environmental Law Seminar for Judges, Federal Judicial Center & Georgetown Law Center, Washington, D.C., October 19, 2000)

*Environmental Protection Through State Constitutions* (The State of State Constitutions Conference, Philadelphia, Pennsylvania, May 6, 2000)

*Markets for Nature* (Conference on Watershed Management, College of William & Mary, Marshall-Wythe School of Law, Williamsburg, Virginia, April 1, 2000)

*Water Futures* (Invited Lecture on Law & Society, University of Kansas School of Law, February 24, 2000)

*Harmonizing Environmental & Commercial Uses of Water* (Rosenberg International Forum on Water Policy, Barcelona, Spain, October 1999)

*Southern California Water Wars* (Conference of the Society of Environmental Journalists, Los Angeles, California, Sept. 17, 1999)

*Tragically Difficult: The Obstacles to Regulating the Commons* (Annual Distinguished Visitor Lecture, Northwestern Law School of Lewis & Clark, Portland, Oregon, Sept. 8, 1999)

*The Allure of Consequential Fit* (United States Court of Federal Claims Symposium on Retroactive Legislation, Washington, D.C., April 29, 1999)

*Trends and Issues in the Privatization of Municipal Water Supply* (17<sup>th</sup> Annual American Bar Association Water Law Conference, San Diego, California, February 25, 1999)

*Whither Western Water Policy: Blind Salamanders & Markets* (American Association for the Advancement of Science Annual Meeting, Anaheim, California, January 23, 1999)

*Experiential Teaching Techniques: Situational Case Studies, Simulations, & Clinics* (American

Association of Law Schools Annual Meeting, New Orleans, Louisiana, January 10, 1999)

*Using the Judiciary to Resolve International Water Conflicts* (Rosenberg International Forum on Water Policy, San Francisco, California, September 1997)

*Water Markets: An Overview of Current Law, Institutions, and Issues* (Keynote Address; Water Conference, University of Tulsa College of Law, March 1994)

*Lucas and Other Recent "Takings Decisions" -- Water Rights Implications* (Keynote Address; Washington State Bar Program on Water Rights Law, September 1992)

*Natural Resource Damage Actions: Whither Contingent Valuation?* (Annual ABA Convention, San Francisco, California, August 1992)

### **Scientific Panels**

CALFED Bay Delta Authority, Environmental Water Account Technical Review Panel, 2001-2008

EPA Science Advisory Board, 2005-2011  
Committee on Valuing the Protection of Ecological Systems and Services, 2003-2009  
Chair, 2005-2009

### **Boards of Non-Profit Organizations**

American Farmland Trust  
Board of Directors, 2005-  
Vice-Chair, 2010-  
Chair, Strategic Planning Committee, 2006-2008

The Nature Conservancy  
California Trustee, 2004-  
Chair, California Conservation Committee, 2009-

Environmental Volunteers  
Board of Directors, 1994-1998

Natural Heritage Institute  
Board of Directors, 1997-2011  
Chairman, 2000-2007  
Vice-Chairman, 2007-2011  
Treasurer, 1999-2000

Resources Legacy Fund  
Board of Directors, 2003-  
Chair, 2007-

Resources Legacy Fund Foundation  
Board of Directors, 2003-  
Chair, 2007-

Rocky Mountain Mineral Law Institute  
Trustee, 1990-2007  
Chair, Teaching Committee, 1995-97  
Co-chair, Environmental Program, 1995-96

Sonoran Institute  
Board of Directors, 2011-

### **Selected University Service**

Advisory Board on Hiring & Promotions  
Counsel, 1998

Earth Systems Program  
Faculty Steering Committee, 1992-

Environmental Health & Safety Committee  
Member, 1994-96, 2000-2005  
Chair, 2002-2005

Haas Center for Public Service  
Faculty Steering Committee, 1993-2005  
Chair, 2002-2005

Emmett Interdisciplinary Program on Environment and Resources  
Faculty Advisory Committee, 2002-  
Executive Committee, 2002-

Provost's Committee on Environmental Studies  
Member, 1995-2004

Stanford Faculty Club  
President, 1995-97  
Board of Directors, 1994-2010

University Budget Committee  
Member, 1998-

University Fellows  
Member, 1993-95

### **Other Organizations & Associations**

American Bar Association  
Committee on Appellate Skills Training, 1984-1985

California Bar

Water Strategist  
Advisory Legal Editor, 1999-2001

### **Honors, Awards, and Lectureships**

CPR Institute for Dispute Resolution, Award for Innovation in the Teaching of Problem Solving  
(2001)

Distinguished Lecturer, Florida State University School of Law (Fall 2000)

Distinguished Visitor, Northwestern School of School of Lewis & Clark College (Fall 1999)

Hurlburt Award for Excellence in Teaching (1993)

Robert E. Paradise Fellowship for Excellence in Teaching and Research (1993-94)

Order of the Coif

*last updated: January 2012*