

January 1, 2016

**ROBERT F. BLOMQUIST**

**Valparaiso University Law School**  
**Valparaiso, Indiana 46383-6493**  
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***EMPLOYMENT:***

Professor of Law, **Valparaiso University School of Law**, since 1989 (accelerated promotion to full professor; awarded early tenure 1990); Associate Professor, 1986-89. **Swygert Research Fellow** (2006-08). **Gromley Distinguished Law Teaching Award** (1997). Chair, Tenured Law Faculty, 1997-2002. Director, Cambridge Study Abroad Program (Cambridge, England): 1994 & 1999. Advisor/Co-Director, Environmental Law & Policy Concentration, 1997-2004. Founder/Director EPA Extern Program, 1991-2004. Founder/Advisor, Midwest Environmental Law Caucus, 1987-97. Service on numerous appointed University and Law School committees, since 1986.

Inaugural Visiting Professor and Scholar, **The Center for International Environmental Law (CIEL)**, Washington, D.C. (Fall 2006).

Visiting Professor and Scholar, **The Australian National University Law School's Environmental Law Centre**, Canberra, Australia (Spring 2000) (Research on Australian Biodiversity Law).

Member Editorial Advisory Board: **Oxford Round Table's Forum on Public Policy**, 2005-2014.

Gubernatorial appointment: Vice Chair, **Indiana Pollution Prevention Board**, 1992-96. Awarded **Sagamore of the Wabash** by Indiana Governor Evan Bayh (the state's highest civilian honor) for outstanding work on the **Governor's Blue Ribbon Environmental Panel**, 1992.

**Porter County Councilman-at-Large**, 1995-96.

Director/Shareholder, **Davis, Reberkenny & Abramowitz**, Cherry Hill, New Jersey, 1983-86; Associate, 1978-83. Awarded **Young Lawyer of the Year** by the **New Jersey State Bar Association**, 1985. Associate, **Law Offices of William H. Wells**, Mount Holly, New Jersey, 1977-78.

**EDUCATION:**

J.D., **Cornell Law School** (1977).

(Articles Editor, *Cornell International Law Journal* 1976-77).

B.S., Economics, **University of Pennsylvania (Wharton School)** (1973).

**BIBLIOGRAPHY:**

A. *Published and Committed Books.*

1. THE QUOTABLE JUDGE POSNER: SELECTIONS FROM TWENTY-FIVE YEARS OF JUDICIAL OPINIONS OF RICHARD A. POSNER (SUNY Press) (2010) (Editor and Introduction Author) [Multi-month Amazon.com top 100 bestseller of books on the Legal System; feature article discussion in *The American Bar Association Journal* (Oct., 2010), *The Indiana Lawyer* (July 2010), *The Chronicle of Higher Education*, *Above the Law*, and others].
2. LAWYERLY VIRTUES (2008) (Vandeplas Publishing) [Feature article in *The Indiana Lawyer*].
3. GREAT LAKES ENVIRONMENTAL TRANSACTIONS GUIDE (General Editor) (Lawyers Cooperative Publishing Co.) (1995) (3 volumes).
4. NEW JERSEY APPELLATE PRACTICE HANDBOOK (General Editor, with United States Circuit Judge Morton I. Greenberg) (New Jersey Institute for Continuing Legal Education (1984)). [Published as part of the American Bar Association's National Appellate Project; recipient of certificate of commendation from former U.S. Chief Justice Warren Burger.]

B. *Books in Progress.*

5. JUDGE POSNER'S PRAGMATISM.

C. *Published and Committed Articles/Essays/Book Chapters.*

1. Overinterpreting Law, 116 *Penn State Law Review* (2012) (forthcoming).
2. Comparative Climate Change Torts, 46 *Valparaiso University Law Review* (2012) (forthcoming).
3. The Logic and Limits of Environmental Criminal Law in the Global Setting: Brazil and the United States—Comparisons, Contrasts and Questions in search of a Robust Theory 25 *Tulane Environmental Law Journal* 83 (2011)..

4. The Theoretical Constitutional Shape (and Shaping) of American National Security Law, 30 *St. Louis U. Pub. L. Rev.* 439 (2011).
5. Memorial, the Poetry of Law, 45 *Valparaiso University Law Review* 107 (2011).
6. Introduction: Renaissance Judge, in *THE QUOTABLE JUDGE POSNER*, (2010).
7. The Jurisprudence of American National Security Presiprudence, 44 *Valparaiso Law Review* 881 (2010).
8. Debt-for-Nature Swaps (co-authored with Daniel B. Magraw, Jr.) in *MAX PLANCK ENCYCLOPEDIA OF PUBLIC INTERNATIONAL LAW* (Max Planck Institute for Comparative Public and International Law) (2009).
9. The Trouble With Negligence Per Se, 61 *South Carolina L. Rev.* 221 (2009).
10. Annoyancetech Vigilante Torts and Policy, 73 *Albany L. Rev.* 55 (2009).
11. Beyond Historical Blushing: A Plea for Contextual Constitutional Intelligence, 2009 *Cardozo Law Review De Novo* 244.
12. Extreme American Neighborhood Law, 45 *Gonzaga L. Rev.* 335 (2009).
13. The Pragmatically Virtuous Lawyer?, 15 *Widener L. Rev.* 93 (2009).
14. Thinking About Law and Creativity: On the 100 Most Creative Moments in American Law, 30 *Whittier L. Rev.* 119 (2008) [featured mention of SSRN paper in: *ABA Journal Weekly Newsletter* (May 2008); *Chicago Daily Law Bulletin* (June, 2008); *Yale Law Library Rare Book Blog* (July 5, 2008); Thomson-West, *Internet Law Researcher* (July/August 2008)].
15. American National Security Presiprudence, 26 *Quinnipiac L. Rev.* 439 (2008). (Reprinted in *TOP TEN GLOBAL JUSTICE LAW REVIEW ARTICLES* 55 (Amos N. Guiora, ed., 2009, Oxford University Press)).
16. Concurrence, Posner-Style: Ten Ways to Look at the Concurring Opinions of Judge Richard A. Posner, 71 *Albany L. Rev.* 37 (2008).
17. Globoecopragmatism: How to Think (And How Not to Think) About Trade and the Environment, 55 *Kansas L. Rev.* 129 (2006).
18. Pragmatically Managing Global Labor Migration?, 37 *U. Mem. L. Rev.* 1 (2006).

19. Judge Posner's Dissenting Judicial Oeuvre and the Aesthetics of Canonicity, 36 *New Mexico L. Rev.* 161 (2006).
20. Ten Vital Virtues for American Public Lawyers, 39 *Indiana L. Rev.* 493(2006) (invited symposium on law and public integrity).
21. Six Thinking Hats for the Lorax: Corporate Responsibility and the Environment, 18 *Georgetown Int'l Envir. L. Rev.* 691 (2006).
22. Congressional Oversight of Counterterrorism and Its Reform, 11 *Roger Williams U. L. Rev.* 1 (2005) [cited in Brennan Center for Justice, U.S. Senate Committee on the Judiciary, Restoring the Rule of Law, Subcommittee on the Constitution, Civil Rights, and Property Rights, September 16, 2008] .
23. Re-Enchanting Torts, 56 *South Carolina L. Rev.* 481 (2005).
24. Against Sustainable Development Grand Theory: A Plea For Pragmatism in Resolving Disputes Involving International Trade and the Environment, 29 *Vt. L. Rev.* 733 (2005) (reprinted in 1 FORUM ON PUB. POL'Y 1 (Oxford Round Table) (2005)).
25. The Presidential Oath, The American National Interest And A Call For Presiprudence, 73 *UMKC Law Rev.* 1 (2005) [cited in *McCreary County v. ACLU of Kentucky*, 125 S. Ct. 2722, 2748 (2005) (Scalia, J., dissenting).].
26. The Good American Legislator: Some Legal Process Perspectives and Possibilities, 38 *Akron L. Rev.* 895 (2005).
27. Dissent, Posner-Style: Judge Richard A. Posner's First Decade Dissenting Judicial Opinions, 1981-1991—Toward An Aesthetics of Judicial Dissenting Style, 69 *Missouri. L. Rev.* 73 (2004).
28. In Search of Themis: Toward the Meaning of the Ideal Legislator — Senator Edmund S. Muskie and the Early Development of Modern American Environmental Law, 1965-1968, 28 *William & Mary Env't'l. Law & Pol'y Rev.* 539 (2004).
29. Law and Spirituality: Some First Thoughts on an Emerging Relation, 72 *UMKC Law Rev.* 583 (2003).
30. Ratification Resisted: Understanding America's Response to the Convention on Biological Diversity, 1989-2002, 32 *Golden Gate U. L. Rev.* 493 (2002).
31. Senator Edmund S. Muskie and the Dawn of Modern American Environmental Law: First Term, 1959-64, 26 *William & Mary Env't'l. Law & Pol'y Rev.* 509 (2002).

32. American "Road Rage": A Scary and Tangled Cultural-Legal Pastiche, 80 *Nebraska Law Review* 17 (2001).
33. "A Fascination Without Scruples": American Popular Culture and Its Corrosive Impact on the Law (Book Review Essay), 32 *Cumberland Law Rev.* 165 (2001).
34. The Trial of President William Jefferson Clinton: "Impartial Justice", the Court of Impeachment and Ranked Vignettes of Praiseworthy Senatorial Rhetoric, 84 *Marquette Law Rev.* 383 (2000).
35. Protecting Nature "Down Under": An American Law Professor's View of Australia's Implementation of the Convention on Biological Diversity-Laws, Policies, Programs, Institutions and Plans, 1992-2000, 9 *Dick. J. Envtl. L & Pol'y* 227 (2000).
36. Is Environmental Alternative Dispute Resolution Working in America?, 30 *Envtl. L. Rep.* 10661 (2000).
37. Introduction to Environmental Alternative Dispute Resolution Symposium Issue: What Elian Gonzalez Knows, 34 *Valparaiso University Law Review* 339 (2000).
38. Playing on Words: Judge Richard A. Posner's Appellate Opinions, 1981-82 —A Study in Sexy Judicial Style During an Extraordinary Rookie Season, 68 *U. Cinn. L. Rev.* 651 (2000). [Included in Thomas E. Baker, *A Compendium of Clever and Amusing Law Review Writings*, 51 *DRAKE L. REV.* 105, 135 (2002)].
39. Some Theoretical and Pragmatic Perspectives on Environmental Alternative Dispute Resolution in America, 34 *Valparaiso University Law Review* 343 (2000).
40. Nature's Statesman: The Enduring Environmental Law Legacy of Edmund S. Muskie of Maine—Some Personal Sketches and Notes From a Law Professor's Environmental Biography-in-Progress, 24 *William & Mary Envt'l. Law & Pol'y. Rev.* 233 (2000).
41. What is Past is Prologue: Senator Edmund S. Muskie's Environmental Policymaking Roots as Governor of Maine, 1955-58, 51 *Maine L. Rev.* 86 (1999).
42. Witches' Brew: Some Synoptical Reflections on the Supreme Court's Dangerous Substance Discourse, 1790-1998, 43 *St. Louis U. L.J.* 297 (1999).
43. The F-word: A Jurisprudential Taxonomy of American Morals (in a Nutshell), 40 *Santa Clara L. Rev.* 65 (1999).
44. The Phoenix Project: (Seriously) Renewing Public Trust in the American Justice System, 44 *South Dak. L. Rev.* 41 (1999).

45. Roots, Trunks and Branches of Modern Environmental Law (Book Review Essay), 5 *Buff. Env't'l L.J.* 503 (1998).
46. Cloning Endangered Animal Species?, 32 *Valparaiso University Law Review*. 383 (1998) (symposium on cloning; invited).
47. Virtual Borders? Some Legal-Geo-Philosophical Musings on Three Globally Significant Fragile Ecosystems Under United Nations' Agenda 21, 45 *Clev. St. L. Rev.* 23 (1997).
48. "To Stir Up Public Interest": Chairman Edmund S. Muskie and the United States Senate Special Subcommittee's Water Pollution Investigations and Legislative Activities, 1963-66-A Case Study in Early Congressional Environmental Policy Development, 22 *Columbia J. Env'tl. L.* 1 (1997).
49. Models and Metaphors For Encouraging Responsible Private Management of Transboundary Toxic Substances Risk: Toward a Theory of International Incentive-Based Environmental Experimentation, 18 *U. Pa. J. Int'l Econ. L.* 507 (1997) (symposium on private incentives to avoid transboundary environmental risk; invited).
50. *Summum Malum: Ruminations On the Most Compelling Global Environmental Threat at the Brink of the Twenty-First Century*, 8 *Fordham Env'tl. L.J.* 153 (1996) (invited symposium).
51. "Bottomless Pit": Toxic Trials, The American Legal Profession, and Popular Perceptions of the Law (Book Review Essay), 81 *Cornell L. Rev.* 953 (1996). [Cited in *Exxon Corp. v. Makofski*, 116 S.W.3d 176 (Tex. App. 2003)].
52. Applying Pesticides: Toward Reconceptualizing Liability to Neighbors for Crop, Livestock and Personal Damages From Agricultural Chemical Drift, 48 *Okla. L. Rev.* 393 (1995) (symposium on agriculture and the environment; invited). [Cited in *Anderson v. Minnesota Dept. Natural Resources*, 693 N.W.2d 181 (Minn. 2005); *Kanna v. Benton County*, 95 Wash. App. 1011 (1999)].
53. Government's Role Regarding Industrial Pollution Prevention in the United States, 29 *Ga. L. Rev.* 349 (1995) (symposium on pollution prevention; invited).
54. Orchestrating Nature: Interdisciplinary Characteristics and Implications of Environmental Law and Natural Resources Law, in *THE NATURAL ENVIRONMENT: INTERDISCIPLINARY VIEWS* 9 (Demetri Kantarelis & Kevin Hickey eds./Interdisciplinary Environmental Association (1995) (invited)).
55. In Search of Accountability: The Legislative Reinvention of Environmental Law and Policy in Indiana, 28 *Ind. L. Rev.* 913 (1995).

56. Environmental Transactions and Compliance in the Great Lakes States: An Introduction and Overview, in GREAT LAKES ENVIRONMENTAL TRANSACTIONS GUIDE, *supra* (1995).
57. Some Thoughts on Law School Curriculum Reform: Scaling the Mountainside, 29 *Valparaiso University Law Review* 641 (1995).
58. "Turning Point": The Foundering of Environmental Law and Policy in Indiana?, 27 *Ind. L. Rev.* 1033 (1994).
59. Judging the United Nations Agenda 21 Industrial Pollution Prevention Provisions: An Ethical and Policy Analysis, in THE ETHICAL DIMENSIONS OF THE UNITED NATIONS PROGRAM ON ENVIRONMENT AND DEVELOPMENT, AGENDA 21, at 17 (Donald A. Brown ed./ Earth Ethics Research Group (1994)) (invited).
60. SARA's Offspring? Some Principles and Priorities for Superfund Reform, 9 *J. Nat. Resources & Envtl. L.* 237 (1994) (symposium on CERCLA reform; invited).
61. The Dangers of "General Observations" on Expert Scientific Testimony: A Comment on *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 82 *Ky. L.J.* 703 (1993). [Cited on the *National Law Journal's* "Worth Reading" list (September 26, 1994).] [Cited in *Toro v. State*, 642 So.2d 78 (Fla. App. 1994)].
62. Emerging Themes and Dilemmas in American Toxic Tort Law, 1988-91: A Legal-Historical and Philosophical Exegesis, 18 *So. Ill. L.J.* 1 (1993).
63. American Toxic Tort Law: An Historical Background, 1979-87, 10 *Pace Envtl. L. Rev.* 85 (1992) [cited in *Rothstein v. Tennessee Gas Pipeline Co.*, 87 N.Y. 2d 90 (1995)].
64. The Developing Environmental Law and Policy of the People's Republic of China: An Introduction and Appraisal (co-authored with Professor Wang Xi of Wuhan University, P.R.C.), 5 *Georgetown Int'l. Envtl. L. Rev.* 25 (1992).
65. An Introduction to American Toxic Tort Law: Three Overarching Metaphors and Three Sources of Law, 26 *Valparaiso University Law Review.* 795 (1992).
66. Environmental Information Disclosure and Access in ENVIRONMENTAL LAW PRACTICE GUIDE (M. Gerrard ed./Matthew Bender & Co. (1992)). [Named the "Best Law Book of 1992" by the Association of American Law Publishers.]
67. The Conservation Foundation's Proposed "Environmental Protection Act": Prospects and Problems for a Comprehensive and Integrated Pollution Control Code for the United States, 40 *DePaul U.L. Rev.* 937 (1991) (symposium on integrated environmental management; invited).

68. Science, Tort Law and Public Policy: A Reaction to Peter Huber, 44 *Ark. L. Rev.* 629 (1991).
69. The EPA Science Advisory Board's Report on "Reducing Risk": Some Overarching Observations Regarding the Public Interest, 22 *Envtl. L.* 149 (1991) (symposium on integrated pollution control; invited).
70. The Evolution of Indiana Environmental Law: A View Toward the Future, 24 *Ind. L. Rev.* 789 (1991).
71. "New Torts": A Critical History, Taxonomy, and Appraisal, 95 *Dick. L. Rev.* 63 (1990).
72. "Clean, New World": Toward an Intellectual History of American Environmental Law, 1961-90, 25 *Valparaiso University Law Review.* 1 (1990) (reprinted in ENVIRONMENTAL LAW: THE INTERNATIONAL LIBRARY OF ESSAYS IN LAW AND LEGAL THEORY 31-79 (Michael C. Blumm ed. 1993) (Dartmouth Publishing Co.). [Cited as one of "the 25-best law review articles" ever published in the field by Professor William H. Rodgers, Jr. in ENVIRONMENTAL LAW 48 (2nd ed. 1994).]
73. The Logic and Limits of Public Information Mandates Under Federal Hazardous Waste Law: A Policy Analysis, 14 *Vt. L. Rev.* 559 (1990) (partially reprinted in Roger W. Findley, Daniel A. Farber, Ann E. Carlson & Jody Freeman, CASES AND MATERIALS ON ENVIRONMENTAL LAW 7th Ed. 976-79 (2006)).
74. Supplemental Environmental Impact Statements: A Conceptual Synthesis and Critique of Existing Judicial Approaches to Environmental and Technological Change, 8 *Temple Environmental and Technology L. Rev.* 1 (1989).
75. Beyond the EPA and OTA Reports: Toward a Comprehensive Theory and Approach to Hazardous Waste Reduction in America, 18 *Envtl. L.* 816 (1988) (waste management law and policy symposium; invited).
76. Rethinking the Citizen as Prosecutor Model of Environmental Enforcement Under the Clean Water Act: Some Overlooked Problems of Outcome-Independent Values, 22 *Ga. L. Rev.* 337 (1988).
77. Goals, Means and Problems for Modern Tort Law: A Reply to Professor Priest, 22 *Valparaiso University Law Review.* 621 (1988).
78. The Beauty of Complexity (Book Review Essay), 39 *Hastings L.J.* 555 (1988).
79. Solar Energy Development, State Constitutional Interpretation and Mount Laurel II: Second Order Consequences of Innovative Policy Making by the New Jersey Supreme Court, 15 *Rutgers L.J.* 573 (1985).



80. A Defense Perspective: Guiding the Court's Discretion in Setting "Appropriate Civil Penalties," in *CITIZEN SUITS UNDER THE CLEAN WATER ACT 171* (Mark Cohen ed. 1985/Chem. & Rad. Waste Litigation Reporter Publications).
81. Health Maintenance Organizations and State DRG Cost Control Programs: The Need for Federal Preemption, 10 *Am. J. Law & Med.* 1 (1984).
82. Rehearings and Mandates, in *NEW JERSEY APPELLATE PRACTICE HANDBOOK*, *supra* (1984).
83. Appellate Interactions of New Jersey Courts with the United States Supreme Court, in *NEW JERSEY APPELLATE PRACTICE HANDBOOK*, *supra* (1984).
84. The Case for Local Solar Land Use Ordinances, 97 *N.J. Lawy.* 39 (1981), (reprinted in 10 *Current Mun. Problems* 49 (1983)).
85. The Proposed Uniform Law of International Bills of Exchange and Promissory Notes: A Discussion of Some Special and General Problems Reflected in the Form and Content, Choice of Law, and Judicial Interpretation Articles, 9 *Cal. West. Int'l L.J.* 30 (1979).

D. *Articles in Progress.*

86. Early Flavors of American Judicial Pragmatism, 1793-1949.
87. Law and Curiosity.
88. Judge Posner's Pragmatism.
89. Twenty-First Century Judicial Pragmatism.
90. Legislator Biographies.
91. A First Take on a Pragmatic Theory of American Environmental Criminal Law.
92. A 'New' Climate Change Tort: Theoretical Musings.

**TEACHING:**

*Courses:* Legislative Process; Hazardous Waste Law; Torts; Environmental Law and Policy; Legal Process; National Security Law (Seminar); Environmental Politics (Seminar); Environmental Ethics (Seminar); Great Books of the Law (Seminar); The Clinton Impeachment (Seminar); Rethinking County Government (Seminar); International Environmental Law (also taught at Valparaiso University School of Law Summer Program at Ningbo University, People's Republic of China, summer 1991, and at Valparaiso University

School of Law Summer Program in Cambridge, England, summer 1994 and summer 1999); Toxic and Environmental Torts (Seminar); Sex and Reason (Seminar); Debtor Protection and Creditor Rights; Bankruptcy. Presently in 26<sup>th</sup> academic year as a full-time law professor. *Other offerings:* Faculty coach, Valparaiso University School of Law National Moot Court Team, 1987-91 (1989-90 team qualified for nationals and placed in top sixteen teams in nation).

***CONSULTANTSHIPS AND SPECIAL LEGAL EXPERIENCE:***

A. *Trial Experience.*

Have litigated over 50 major trials and approximately 40 appellate matters in environmental, constitutional, tort, commercial and educational cases before the United States District Court for the District of New Jersey, the United States District Court for the Northern District of Indiana, the United States Court of Appeals for the Third Circuit, the Supreme Court of the United States, as well as the New Jersey and Indiana state trial and appellate courts.

B. *Selective Recent Consulting and Litigation Experience.*

Consultant to Washington, D.C. Appellate Counsel (crafting United States Supreme Court certiorari and amicus strategy for appeal of a United States Circuit Court (9<sup>th</sup> Cir.) case involving interpretation of National Environmental Policy Act), 2010-11.

Consulting Counsel to West Virginia Plaintiff's Counsel (regarding federal citizen suit strategy for obtaining civil penalties and injunctive relief for massive pollution from a Texas creosote factory causing hazardous contamination of homes and public schools), 2009-10.

Consulting Counsel to Valparaiso, Indiana Plaintiff's Counsel (preparation of interlocutory appellate brief in industrial wrongful death by electrocution case), 2004-06.

Special Consulting Counsel to Oregon Plaintiff's Counsel (regarding legal theories in multiple party construction lawsuit involving drainage of water from soil matrix and resulting subsidence damages to plaintiffs' homes), 2003.

Consultant to Roselawn, Indiana parents (MTBE pollution of water wells and toxic mold contamination in public schools), 2002.

Consulting Counsel to Chicago Regional Nursing Home Corporation (legal strategy in dealing with health liability, workers compensation, and regulatory reporting responsibilities stemming from outbreak of indoor air pollution involving "sick building syndrome" from airborne microorganisms), 2001-02.

Consulting Counsel, to Valparaiso, Indiana Plaintiff's Trial Counsel (preparation of appeal from state trial court's summary judgment under the Medical Malpractice Act for

claim of malpractice in performing surgery on patient diagnosed with Reflex Sympathetic Dystrophy (RSD)), 2001-02.

Special Consulting Counsel, Proposed “Surface Water and Landowner Protection Act” (supervised law student drafting of proposed Indiana General Assembly legislation), 2001.

Consulting Counsel, to Valparaiso, Indiana Plaintiff’s Trial Counsel (legal strategy in responding to appeal by Northern Indiana Public Service Co. (NIPSCO) of a \$1.9 million state court jury verdict for personal injuries suffered from mismarked, exploding natural gas transmission line), 1998-99.

Consulting Counsel, North Judson, Indiana Trial Defense Counsel (appellate strategy for appeal by land surveying company of \$98,000 fraud damages state court jury verdict), 1998.

Consultant, Kankakee Valley Clean Air Committee, Wheatfield, Indiana (legal strategy for challenging Northern Indiana Public Service Company (NIPSCO's) proposal to use manufactured gas plant (MGP) residuals with coal at major electrical power station in Northwest Indiana because of increases in dioxin, arsenic and other highly toxic air emissions from co-burning proposal), 1997-98.

Consultant, King County (Seattle), Washington (reinventing and re-engineering government approaches), 1997.

Consultant, United States Senate, Republican Policy Committee (strategy and principles for proposing a national integrated pollution control code incorporating risk assessment considerations), 1994.

Consultant, Federal Bureau of Investigation (FBI) (conceptual strategy for better criminal environmental law enforcement in Northwest Indiana), 1992-93.

Special Consulting Counsel, City of Hammond, Indiana (legal strategy for defending broad-based federal court constitutional attack by international chemical corporation on City of Hammond's boilers and industrial furnaces/ incineration ordinance; case involved the Rhone-Poulenc Hammond facility — the largest recipient of TRI chemicals in the nation), 1992-94.

Consultant, Ohio Attorney General (review of proposal for establishing *The Ohio Environmental Law Enforcement Trust Fund* to be administered by a non-profit Midwest Environmental Enforcement Association), 1991.

Consultant, State of Wisconsin, Department of Justice (legal strategy for appealing intermediate appellate court decision in *State of Wisconsin v. Better Brite Plating, Inc.* to the Wisconsin Supreme Court (Case No. 90-0280) involving an environmental/ bankruptcy/tort

law question of first impression: whether a bankruptcy trustee can be held personally liable for negligent — as opposed to intentional — violations of state hazardous waste law), 1991.

Special Counsel, City of Gary, Indiana (toxic waste cleanup strategy; helped obtain first grant from Indiana's Emergency Response Fund), 1987-89.

Chief Special Counsel, Town of Ogden Dunes, Indiana (legal strategy for dealing with substantial beach erosion on Lake Michigan shoreline), 1988-95.

Special Counsel, Samocki Trucking Company (Midco I & Midco II Superfund contribution action), 1990-92.

Special Counsel, to American owners of Bahamian resort property (action under Bahamian law to recover for beach erosion and tree destruction caused by marina construction), 1991-92.

Consultant, to environmental group challenging Part B permit of Adams Center Hazardous Waste Landfill (Waste Management, Inc.) in Fort Wayne, Indiana, 1988-89.

Consultant, to environmental group intervenor in federal court action by United States Department of Justice for cleanup of Four County Landfill in Rochester, Indiana, 1988-92.

Co-counsel for two Indiana environmental groups in citizen suit action under the federal Clean Water Act in the United States District Court for the Northern District of Indiana—one of the first citizen suits to be prosecuted under the federal Clean Water Act in the State of Indiana, 1987-91.

Consultant, Town of Beverly Shores, Indiana (legal strategy for challenging plans by U.S. Department of Interior to construct large parking lot within Indiana Dunes National Lakeshore in order to mitigate vehicle traffic congestion, hazards, pollution, and scenic contamination), 1989.

C. *Selective Recent Public Service.*

Advisory Council, Legal Environmental Aid Foundation of Indiana, Inc. (LEAF), 2009-present.

Inaugural Visiting Professor & Scholar, Center for International Environmental Law (CIEL), Washington, D.C., Fall 2006. [Worked on international law and policy issues for this global think tank on the following: Rapporteur to United Nations Environment Programme Region of North America civil society meeting in preparation of the February 2007 Nairobi and UNEP Governing Council meeting on gender and environmental concerns, globalization and environmental services, water and the environment, chemicals and the environment; participated in U.S. State Department consultation meeting in advance of technical review committee meeting of the participants on the Convention on Persistent Organic Pollutants (POPs); contributed to background paper on access and benefit sharing options to help

harmonize the Convention of Biological Diversity and TRIPS agreement to amplify and clarify indigenous peoples' rights to intellectual property rights in biodiversity resources; contributed to a policy study regarding fishing subsidies and national access fishing rights payments as a limited exception to the Agreement on Subsidies and Countervailing Measures (SCM); co-authored a book chapter on debt-for-nature swaps; analyzed the World Bank's Country System pilot proposal regarding environmental safeguards for development projects in Egypt, Romania and Jamaica and; contributed to an issue brief on the WTO and export credit agency subsidies].

Environmental Policy Coordinator, National Environmental Advisory Policy Board, Governor George W. Bush for President Campaign 2000 (Republican candidate), 1999-2000.

Advisor to the Mayor of Indianapolis on Urban Environmental Policy [Mayor Steve Goldsmith (R)-one of Governing Magazine's "The Top 10 Government Officials for 1995)], 1996-1998.

Porter County Commissioners' Jail Research & Advisory Committee (one of eleven persons-including two state court judges, the Sheriff, the Jail Warden and a County Commissioner-appointed by the Commissioners to study the type, size and general design of a proposed new 400-bed county jail complex, while also recommending cost-offsetting measures such as alternative sentencing programs, inmate work responsibilities, etc.), 1997-98.

Founding Member, Northwest Indiana Quality of Life Council (consisting of elected officials, business, labor, academic and community leaders dedicated to encouraging an appreciation for regional solutions to achieving and sustaining a high quality of life; sponsoring needed research to improve the quality of life; identifying and advocating for needed sustainable development projects; and developing and monitoring key indicators of the quality of life), 1997-99. Executive Board Member, 1997-98. [Provided leadership in founding the Regional Transportation Authority Initiative, recommending a three county, commuter rail and multi-modal regional bus transportation package.]

Vice-Chair and Board Member, Indiana Pollution Prevention Board (IPPB) (appointed to a four-year term by Governor Evan Bayh (D)), 1992-96; Chair, IPPB Committee on Legislative Affairs, 1993-96. [Provided leadership in founding the Indiana Pollution Prevention and Safe Materials Institute at Purdue University; helped select the first Director of the Institute; led the Board's negotiations with the Indiana Department of Environmental Management, the Indiana Budget Agency, and Purdue University in crafting a Memorandum of Understanding under state legislative mandate; chaired committee mark-up and consideration of the Board's first policy statement on pollution prevention; testified in front of Indiana General Assembly House Ways and Means Committee supporting 2.85 million dollar 1995-97 biennial funding for the Indiana Pollution Prevention and Safe Materials Institute; helped conceptualize legislation for a 10% tax credit for pollution prevention investments in less toxic raw materials and more efficient production methods; led enactment of a Board Resolution endorsing K-12 Pollution Prevention education in Indiana; helped implement the Coating Applications Research Laboratory (CARL) at Purdue University-a facility to provide

opportunities for manufacturers to determine the least-cost mix of low VOC technologies while preventing air emissions.]

Porter County Councilman-at-Large, Porter County, Indiana (elected by Porter County Republican Precinct Committeemen at caucus held to fill the unexpired term of the incumbent who was elected to a higher office), 1995-96. [Responsible under state law to appropriate all funds for Porter County government as one of seven elected county councilmen in a county with approximately 140,000 residents and \$32 million annual budget; responsible for decisions regarding county real estate taxes and county income taxes. Committee assignments: Porter County Solid Waste Management Board; LaPorte/Porter County Solid Waste Agency; Environmental Department; Courts; Prosecutor's Office; Civil Defense Office; Public Defender's Office; conceptualized and moderated a major regional conference: *Opportunities and Challenges for County Government: Toward the Year 2000* (April 1996).]

Governor's Government Operations Committee, nonpartisan expert cluster review panel on Indiana's environmental and natural resources policy (appointed by Governor Evan Bayh (D)), 1992. [Helped conduct an operations audit of two state agencies: the Department of Environmental Protection (IDEM) and the Department of Natural Resources (DNR); awarded Sagamore of the Wabash by the Governor for public service-*see infra*.]

Co-Chair, Indiana 2016 Project (sponsored by Indiana Environment Institute in conjunction with major corporations, government agencies, and academic institutions to develop a vision of Indiana's long-range environmental future in the year of the state's bicentennial-2016), 1993-99.

Chair, Porter County Solid Waste Management Advisory Board (appointed by Porter County Solid Waste Management District Board—a regional government agency authorized by state legislation), 1991-93. Member, 1991-94.

Past Member, Indiana Environmental Forum (selected as one of thirty members among environmentalists, government officials, and business leaders by Indiana Environmental Institute—a publicly funded think tank in Indianapolis, Indiana), 1991-2001.  
Environmental and Administrative Law Policy Advisor, Stephen Goldsmith for Governor Campaign (R-Ind.), 1995-96.

Legal Policy Advisor, Gregory F. Zoeller for Indiana Attorney General Campaign (R-Ind.), 1995-96.

Environmental Issues Consultant, Michael Aylesworth for State Senate Campaign (R-Ind.), 1991-92.

Advisory Review Panel member, People Against Hazardous Landfill Sites (PAHLS) (provided input and advice on PAHLS book, *The Environment of Northwest Indiana Contrasts and Dilemmas*), 1991-93.

Chair, Porter County, Indiana 20 Year Solid Waste Study Commission (appointed advisor to Porter County Commissioners on long-range solid waste planning issues), 1989-91.

Commissioner, Lake County Emergency Response Commission, Lake County, Indiana (helped prepare hazardous waste emergency response plan under federal Superfund law), 1987-90.

Consultant, U.S. Congressman Jim Jontz (D-Ind., 5th District) regarding Salt Creek and Calumet River corridor issues involved in National Lakeshore Expansion bill, 1990.

Consultant, Environmental Action Foundation, Washington, D.C. (Indiana toxic tort law; helped prepare EAF publication *Resources and Tools For Protecting the Great Lakes*), 1988-89.

Law faculty liaison, American Bar Association Soviet Internship Project (visiting Soviet law professors and lawyers) (interns worked in law firms, law schools, and corporations in eleven cities around the USA), 1990.

D. *Selected Lectures, Speaking and Conference Engagements.*

Invited Paper Presentation, San Andreas University Law School, Buenos Aires, Argentina, March 2011 (paper on comparative environmental criminal law in the global setting).

Invited participant, 4th Annual Strategy Implementation Seminar, United States Army War College, Carlisle Barracks, Pennsylvania, July 2009 (chosen as one of a select group of academics to discuss national security issues and strategic national leadership in current and future United States warfare with top American military officers).

Invited participant, 16th Annual Institute, University of Virginia School of Law, Center for National Security Law, Charlottesville, Virginia and Washington, D.C., June 2008 (certificate of completion).

Invited participant and presenter, Oxford Round Table Conference, Regulating Workers' Rights: Adapting to Globalization in the Twenty-First Century, Oxford University, St. Anthony's College, Oxford, England, August 2005.

Invited participant and presenter, Oxford Round Table Conference, Regulating Sustainable Development: Adapting to Globalization in the Twenty-First Century (Keynote Address), Oxford University, Harris Manchester College, Oxford, England, August 2004.

Invited speaker, The Society of Legal Scholars Conference, Oxford University, St. Catherine's College, Oxford, England, September 2003 (talk on Early American environmental law during the 1960s).

Invited speaker, Rio's Decade Conference, Golden Gate University, San Francisco, California, October 2002 (lecture on Biodiversity Convention).

Conference Chair, organizer and speaker, Valparaiso University School of Law/Indiana Environmental Institute, Inc., Is Environmental Alternative Dispute Resolution Working in America?, Indianapolis, Indiana, October 1999.

Scholar-in-residence and invited lecturer, University of Southern Maine, Edmund S. Muskie School of Public Policy/University of Maine Law School/Bates College, Edmund S. Muskie Archives, September 1999 (lectures on Muskie environmental biography-in-progress).

Invited speaker, Congressman Peter Visclosky's (D-Ind.) Forum: HMO's and Managed Care- A Need for Legislative Reform, Merrillville, Indiana, April 1999.

Invited speaker and participant, Cornell Law School Alumni and Panel Discussion on Ethics, Complex Litigation and Class Actions: Can Civil Justice Be Civil and Fair?, Ithaca, New York, June 1997.

Invited speaker, Indiana Environmental Institute, Creating a Long-Range Environmental Quality Vision for Indiana, Indianapolis, Indiana, June 1997.

Keck Foundation Scholar-in-Residence, in reviewing implications of Jonathan Harr's A CIVIL ACTION (Woburn, Massachusetts toxic tort litigation), Cornell Law School, Ithaca, New York, March 1997.

Invited participant, Northwest Indiana Sustainable Development Roundtable, Indiana University Northwest, Gary, Indiana, September 1996 through February 1997 (public officials, business leaders, and academics).

Invited panel moderator, National Association of Counties (NACO), Panel on Redesigning County Government: Toward the Year 2000, Houston, Texas, July 1996.

Invited paper presenter, Indiana Continuing Legal Education Forum, What's New and What's to Review in the Seventh Circuit?, Indianapolis, Indiana, April 1996.

Invited paper presenter and conference participant, American Agricultural Law Association, Conference on Agriculture and Environmental Law, Kansas City, Missouri, November 1995.

Invited paper presenter and conference participant, Interdisciplinary Environmental Association, Conference on Interdisciplinary Environmental Perspectives, Boston, Massachusetts, June 1995.

Invited speaker, Indiana Environmental Institute, Corporate Environmental Retreat on New Approaches to Thinking About Pollution Prevention, Indianapolis, Indiana, September 1994.

Invited paper presenter and conference participant, University of Georgia School of Law (Redclay Conference), Conference on Pollution Prevention, Athens, Georgia, April 1994.



Invited paper presenter and conference participant, Earth Ethics Research Group, Conference on the Ethical Implications of UN Agenda 21, United Nations, New York, New York, January 1994.

Invited speaker, Indiana Governor's Environmental Conference II, Indianapolis, Indiana, October 1993.

Invited convener, Gruter Institute for Law and Behavioral Research, Conference on the Use of Biology in the Study of Law, Squaw Valley, California, June 1992.

Invited speaker, U.S. Senator Dan Coats' (R.-Ind.) Town Hall Meeting on Interstate Transport of Solid Waste, LaPorte City Hall, April 1991.

Invited participant, US-USSR Forum on the Global Environment (sponsored by the think-tank Indianapolis Center for Advanced Research, Inc.) April 1990.

Invited lecturer on international environmental problems at Hangzhou University Department of Law and Ningbo University Department of Law, People's Republic of China, March 1990.

Invited lecturer, U.S. Congressman Jim Jontz's (D.-Ind.) Indiana Recycling Committee, 1989 (speaker at Congressman's April 1989 statewide conference on hazardous waste management strategies).

Invited speaker/paper presenter at: Indiana Municipal Lawyers Association; Indiana Environmental Institute; Indiana State Bar Association; Health Law Association; American Society of Civil Engineers; Indiana Hazardous Materials Conference; LaPorte County Leadership, Inc.; Indiana Continuing Legal Education Forum; Hoosier Environmental Council; Midwest Environmental Leadership Conference; Indiana University (Indianapolis); Purdue University; Valparaiso University (commencement speaker at Law School graduation); Indiana Trial Lawyer's Association; Ohio Technology Transfer Organization, 1986-present.

E. *Associations and Memberships.*

American Bar Association, since 1977. Section on Environment, Energy and Natural Resources, 1984-present. (Committees: Endangered Species; International Environmental Law; Sustainable Development); Section on International Law, 2009-present.

Association of American Law Schools, since 1986 (Section on Environmental Law, 1986-present).

The Society of Legal Scholars, 1995-2014.

F. *Significant University Service.*

Chair, Tenured Faculty, Valparaiso University School of Law, 1997-2002 [elected by tenured law professors].

Founder/Co-Director, Valparaiso University Environmental Law and Policy Concentration, 1997-2004.

Founder/Director, EPA Extern Program, 1991-2004.

Chair, Valparaiso University School of Law, Faculty Order of the COIF Committee, 1994-95. [Charged by Dean with exploring possibilities for law school admission to the Order of the COIF.]

Chair, Valparaiso University School of Law, Faculty Curriculum Committee (appointed by Valparaiso University School of Law Dean), 1993-94. [Led first-year curriculum reform and substantial expansion of the legal research and writing program to successful passage by the law faculty and implementation in Academic Year 1994-95.]

Director, Cambridge England Summer Study Program, Valparaiso University School of Law, Summer 1999.

Director, Cambridge, England Summer Study Program, Valparaiso University School of Law, Summer 1994. [Responsible for on-site coordination of United States Supreme Court Justice Ruth Bader Ginsburg's participation in teaching a course on Gender Discrimination as part of the program; responsible for on-site coordination of academic and social programs with the following Cambridge University colleges: Trinity College, Fitzwilliam College, Jesus College, and New Hall; responsible for liaison meeting with Foundation for International Law and Development in London; responsible for the supervision of 39 law students drawn from law schools throughout the country and three law faculty.]

Board Member, Valparaiso University Art Museum Council (appointed by Valparaiso University President), 1990-95.

Other Valparaiso University Service: University 75th Jubilee Planning Committee, 1998-99; Creative Work and Research Committee, 1987-90, 2000-01; East Asia Curriculum Study Committee, 1992-93. Other Valparaiso University School of Law Service: ABA Site Visit Self-Study Committee, 1997-98; Marketing Study Committee, 1997-98; Dean's Special Projects Committee, 1997-98; Petitions and Readmissions Committee, 1986-91; 2001-2004; Dean Search Committee, 1988-90; Placement Committee, 1991-96; Dean Liaison Committee, 1992-93; Admissions Committee, 1992-93; Order of the COIF Committee, 1992-95; Curriculum Committee, 1993-2000; Law School Marketing Committee, 2007-09.

## **ACCOMPLISHMENTS AND AWARDS:**

Swygert Research Fellow, 2006-08 (selected by the National Advisory Council of the Valparaiso University School of Law).

Member, Editorial Advisory Board, Oxford Round Table's *Forum on Public Policy*, 2005-2014.

Charles R. Gromley Distinguished Law Teacher Award (awarded by Valparaiso University School of Law for outstanding teaching as a law professor), 1997.

Sagamore of the Wabash, 1992 (the highest award bestowed by the Governor of Indiana-for outstanding public service while serving on Governor's Government Operations Committee, nonpartisan expert cluster review panel on natural resources and environmental policy) (see attached description).

Regional Finalist Award, President's Commission on White House Fellowships, 1989-90 Competition.

Post Tribune, Edgar L. Mills Community Service Award ("For Outstanding Contributions in Improving Life in Northwest Indiana-Environmental Advancement"), 1988.

New Jersey Young Lawyer of the Year Award, New Jersey State Bar Association, 1985.

Former elected school board member, Medford Township Board of Education, Medford, New Jersey, 1983-86.

Outstanding Young Man of America Award, U.S. Jaycees, 1980.

American MENSA, member (1979 to present) [highest 2% of I.Q. in U.S.A.].

## **OTHER ACHIEVEMENTS AND INTERESTS:**

Recent short story publications in literary journals: "The Penguin Parade" in *Smallpond Magazine* (Jan. 2003), "The Pijiu Society" in *Mobius* (webversion) (March, 2001). Recent critical essays in literary journals include "Responding to Terrorism After September 11" in *The Cresset* (2004).

Have published two volumes of poetry: *Island Lightkeeper* (1982), and *Poetic Insights of a Country Lawyer* (1979) (selected poems also published in national poetry journals). Current novels work-in-progress entitled *The Geometry of Wounds* (based upon the classic Iowa spring-gun tort case, *Katko v. Briney*); *Marbled Musings* (thoughts of an ailing Supreme Court Justice on the verge of retirement). Have completed: a book manuscript, *Good Counsel: Meditations on Being and Becoming an American Lawyer* (1989); a novel manuscript, *Conspiracy in Colorado* (1994) (an environmental murder mystery).

Accomplished guitarist and singer (repertoire includes rock, blues, reggae, ballads, colonial American tavern songs, traditional sea shanties and country/western songs).

Thomas Jefferson and Abraham Lincoln scholar.

Former President and Board Member of Linden Landmark Condominium Association, Oak Park, Illinois.

Merit Badge Counselor, Boy Scouts of America (Citizenship in the Community, Citizenship in the Nation, Citizenship in the World, Reading, and Law merit badges).



OFFICE OF THE GOVERNOR  
INDIANAPOLIS, INDIANA 46204 - 3797

EVAN BAYE  
GOVERNOR

SAGAMORE OF THE WABASH

The Sagamore of the Wabash award was created during the term of Governor Ralph Gates, who served from 1945 to 1949. Governor Gates was to attend a tri-state meeting in Louisville with officials from the states of Ohio and Kentucky. Aides to the governor discovered that the governor of Kentucky was preparing Kentucky Colonel certificates for Governor Gates and Senator Robert A. Taft, who was to represent the State of Ohio. The Hoosiers decided Indiana should have an appropriate award to present in return.

The term "Sagamore" was used by the American Indian Tribes of the northeastern United States to describe a lesser chief or a great man among the tribe to whom the true chief would look for wisdom and advice.

Each governor since Gates has presented the certificates in his own way. It has been said that one governor even resorted to wearing a full Indian headdress as he read the scrolls. The award is the highest honor which the Governor of Indiana bestows. It is a personal tribute given to those who have rendered a distinguished service to the State or to the Governor. Among those who have received Sagamores of the Wabash have been astronauts, Presidents, ambassadors, artists, musicians, politicians and ordinary citizens who have contributed greatly to our Hoosier heritage.

It should be noted that Sagamores have been conferred upon both men and women since the beginning of their existence. There is no record of the total number which have been presented, as each governor has kept his own roll; just as each has reserved the right to select recipients personally.