

# Environmental & Biodiversity Law

# STETSON UNIVERSITY



# Protecting our world

From wetlands to beaches, Florida offers diverse ecosystems and experiences.

And for those drawn to protect the Earth's natural wonders, Stetson University College of Law offers practical training and opportunities through its environmental law specialty.



## Past Biodiversity Lecture Presentations

**Dr. Tony Abbott**, Stetson University, "Wind Power's Many Shades of Green"

**Azzam Alwash**, Director of the Eden Again Project, "Restoration of the Mesopotamian Marshlands"

**Jim Anderson**, Seagrass Recovery, Inc., "Seagrass Restoration and Mitigation"

**Jerry Anderson**, Drake Law School, "The Right to Roam: Public Access to Nature"

**Dr. Luiz Barbieri**, Florida Fish and Wildlife Institute, "Wetlands and Fisheries: A Florida Perspective"

**Dr. Peter Bridgewater**, Secretary General of the Ramsar Convention on Wetlands, "Ramsar: A Convention from the Past, for the Future"

**Dr. Noel S. Brown**, Former director of the U.N. Environment Programme, North American Regional Office, "Global Environmental Sustainability: Why Should We Care?"

**Marcilynn Burke**, University of Houston, "Green Peace? Protecting Our National Treasures While Providing for Our National Security"

**Dr. Wil Burns**, Editor-in-Chief, *Journal of International Wildlife Law and Policy*, "Climate Change and Bioengineering," and "The International Whaling Commission and Climate Change: Leviathan or Laggard?"

**Keith Casto**, Partner, Sedgwick, Detert, Moran, & Arnold LLP, "Prospective Legal Careers in Climate Change"

**Martha Collins**, Collins & West, "Surfrider Foundation v. Palm Beach"

**Dr. Thomas L. Crisman**, Director and **Dr. William R. Wise**, Associate Director, Howard T. Odum Center for Wetlands, University of Florida, "Environmental Expert Witnesses: Their View of the Experience"

**Alex Dammous**, Lexproject, LLC, "Nature or Nutrition? The Challenges of Eco-Tourism in Cameroon"

**Dr. Allison DeFoor**, former Everglades Czar, "The Everglades Restoration: \$13 Billion Reasons Why You Should Hear This Lecture"

**Craig Denisoff**, President, National Mitigation Banking Association, "Environmental Markets: Wetland Mitigation and Conservation Banking"

**Dr. George Dennis**, U.S. Fish and Wildlife Service, "Endangered Species and Conservation Banking"

**Professor John C. Dernbach**, Widener University School of Law, "Sustainable Development: Now More Than Ever"

**Alex Glenn**, Progress Energy Florida, "Florida's Energy Future"

**Bob Hearn**, Partner, Phelps Dunbar LLP, "The Infamous Phragmipedium Kovachii Orchid Case and the Application of CITES"

**Dr. Joel Heinen**, Florida International University, "International Endangered Species: A Case Study from Nepal"

**Sheri Lewin**, Environmental Resource Marketing, "The Business of Wetland Mitigation Banking"

**Ambassador Jamsheed Marker**, United Nations Under-Secretary-General and special adviser to the United Nations, "Reflections on Rio"

**Dr. Frank Muller-Karger**, Director for Marine Remote Sensing, University of South Florida, "U.S. Ocean Policy"

**Craig Pittman**, *St. Petersburg Times*, "Paving Paradise: Florida's Vanishing Wetlands and the Failure of No Net Loss," and "Manatee Insanity in Florida"

**Dr. Howard Schiffman**, New York University, "Antarctic Conservation Law and Policy: Are We Moving Up or Down the Food Chain?"

**Dr. Bill Streever**, BP Exploration (Alaska), "Marine Mammals and BP: Managing the Business Risks of Potential Impacts to Whales, Porpoises, Seals, and Other Marine Mammals"

**William Thomas**, Head of Environmental Law Practice in the Americas, Clifford Chance, Washington, DC, "Winds of Change: Climate Policy in the Americas"

**Sheila Watt-Cloutier**, Past Chair of the Inuit Circumpolar Conference, "Climate Change and the Arctic"

**David White**, The Ocean Conservancy, "Developing New Strategies for Ocean Governance in Florida"

## Institute for Biodiversity Law and Policy

Stetson's Institute for Biodiversity Law and Policy serves as an interdisciplinary focal point for education, research and service activities related to global, regional and local biodiversity issues. The institute coordinates courses, seminars and internships on a variety of topics, including wetland law and policy, environmental law, natural resources and international environmental law.

In addition to hosting international conferences and speakers, Stetson is home to the annual International Environmental Moot Court Competition, now in its 16th year, with preliminary competitions around the globe. Stetson has sponsored the International Wildlife Law Conference since 2007.

Interim Dean Royal Gardner serves as the institute's director and is past chair of the U.S. National Ramsar Committee, which supports the goals of the Ramsar Convention on Wetlands.

## J.D. Certificate of Concentration



Stetson now offers a Certificate of Concentration in Environmental Law for select J.D. students. To earn the certificate, students must complete an approved experiential learning opportunity, participate in a mentoring component, fulfill pro bono service and writing requirements in environmental law, and complete at least 21 hours of prescribed environmental law courses with an average grade point average of at least 3.0. Certificate students also support the Stetson International Environmental Moot Court Competition, International Wildlife Law Conference and other Biodiversity Institute activities.



**"Stetson armed me with the technical and practical legal skills to succeed by providing me with the confidence and ability to bring a holistic view to the world of environmental regulation."**

*Michael Stephenson '97*  
Senior Director of Environmental, Health and Safety Compliance, Wal-Mart Stores, Inc.  
Former Managing Enforcement Attorney for the Southeast Region, U.S. Environmental Protection Agency

# Using innovative methods to teach environmental law



“Stetson’s environmental faculty, willing to both teach and mentor students, provided more than just a legal education, and this distinctive approach to education is what sets Stetson Law apart.”

James Choate '09  
Attorney (Honors Program),  
U.S. Army Corps of Engineers



## Featured courses

**Ecosystem Banking Workshop:** In this voluntary enrichment program, students learn about market-based approaches to restoring wetlands, conserving endangered species habitat, improving water quality, and reducing greenhouse gas emissions. Students prepare case studies on a specific project and interview representatives from regulatory agencies, companies, environmental groups and other stakeholders. The workshop is designed to serve as a feeder program for internships with regulatory agencies, mitigation companies and environmental groups.

**Environmental Law Internship:** Students work on environmental and land use issues under the direct supervision of government and NGO attorneys. Placements include the National Oceanic and Atmospheric Administration, Southwest Florida Water Management District, the Hillsborough County Environmental Protection Commission, and the Conservation Foundation of the Gulf Coast.

**Environmental Law Seminar — Natural Resources:** This seminar addresses the law of natural resources — wildlife, animals, parks, wilderness, water rights, oceans, timber and minerals. Because these resources cannot, for the most part, be created by human effort, they pose special challenges for law. As students research and write a paper on a topic of their choosing, they read and discuss in the seminar thought-provoking articles and essays on natural resource management and regulation.

**International Environmental Law:** This course is an introduction to international legal principles and the application of those principles to specific global environmental problems. The course focuses on current issues in international



Field trip to Everglades National Park

environmental law, including ocean resources, stratospheric ozone depletion, global climate change, nuclear energy and weapons, biodiversity protection, and the environmental effects of trade agreements.

**Wetland Law and Policy Seminar:** This interdisciplinary seminar examines wetland issues from both the scientific and legal perspective. The scientific portion of the seminar — which is taught by Dr. Melanie Riedinger-Whitmore, an aquatic biology professor at the University of South Florida — introduces students to different types of wetlands, their functions and values, and delineation issues. The legal and policy portions of the seminar focus on the history of wetland regulation, the permit process, mitigation banking, enforcement and regulatory takings.

**Other Courses:** Administrative Law, Admiralty, Animal Law Seminar, Environmental Hazards Associated with Real Property, Environmental Law, Florida Administrative Law, International Trade and the Environment, *Journal of International Wildlife Law and Policy*, Land Use Planning, Legislation, Natural Resources Seminar, Ocean and Coastal Law and Policy, and Water Law.

## International Cooperation: Ramsar Secretariat

In February 2010, Stetson became the first law school in the world to sign a memorandum of cooperation with the Ramsar Secretariat, assisting the international group that works to protect wetlands. Two Stetson Law students worked with the National Audubon Society on the application for the Corkscrew Swamp Sanctuary in Naples, Fla., which was designated as a Wetland of International Importance in October 2009.

## Journal of International Wildlife Law and Policy

Stetson is home to the *Journal of International Wildlife Law and Policy*, produced in conjunction with Stetson’s Institute for Biodiversity Law and Policy. Dr. Wil Burns serves as editor-in-chief and is a Stetson adjunct professor. His research focuses on climate change and international wildlife law, examining the potential of legal institutions to govern the deployment of climate geoengineering options and the role of microinsurance as a climate adaptation mechanism. He has authored more than 75 articles and edited six books.



## International Wildlife Law Conference

Stetson sponsors the International Wildlife Law Conference, bringing together experts from around the world. The most recent conference was held in Granada in June 2011, and featured a keynote speaker from the Environmental Governance Research Programme of the Institute for European Environmental Policy.



2011 International Wildlife Law Conference - Granada



International Environmental Moot Court Competition

## International Environmental Moot Court Competition

Stetson will host the international finals for the 16th Annual International Environmental Moot Court Competition in March 2012 at its Gulfport campus. The competition now spans five continents through its regional and national rounds.

## Student Service

Stetson environmental law students actively contribute to the academic knowledge of the field. Students Andrew Celauro and Joseph Graham, both editors of the *Journal of International Wildlife Law and Policy*, presented a white paper on “Advocacy in the Joint Venture Context” for a North American Waterfowl Management workshop in Winnipeg for U.S. and Canadian government agencies and environmental organizations. Student Michael Dema, a Stetson biodiversity fellow, worked with Professor Anne Hallum to develop a carbon sequestration model that measures the contribution of the Alliance for International Reforestation’s efforts in Guatemala. Students also helped prepare 12 case studies on conservation banks for The Conservation Fund through Stetson’s Institute for Biodiversity Law and Policy.



North American Waterfowl Management Workshop



“Stetson offers the ability to intern at government agencies, work closely with the secretariat of multilateral environmental agreements such as the Ramsar Convention, and edit for the *Journal of International Wildlife Law and Policy*. I have discovered an entirely new world of opportunities that I didn’t know were available.”

Marcela Bonells  
Candidate for Juris Doctor, 2012  
Extern with the Secretariat of the  
Ramsar Convention, Switzerland  
President, Environmental Law  
Society, and Student Editor,  
*Journal of International Wildlife  
Law and Policy*

# Producing scholarship that makes a difference

**Royal C. Gardner** is interim dean and director of Stetson's Institute for Biodiversity Law and Policy. He teaches international environmental law, torts and a wetlands seminar. Gardner, who was the North American representative to the Ramsar Scientific and Technical Review Panel, won the 2006 Environmental Law Institute's National Wetlands Award for Education and Outreach. He served as the U.S. Army's principal wetlands attorney and worked for the U.S. Department of Defense facilitating international agreements for the dismantlement of the former Soviet Union's nuclear weapons.



**Paul Boudreaux** teaches and writes on topics of "law and geography," including environmental law, natural resources law, property and land use law. Particular areas of interest in recent years have included endangered species protection, water quality, suburban sprawl and urban redevelopment. During the 2009-10 academic year, he served as the LeRoy Highbaugh Sr. Research Chair. He recently published *The Housing Bias: Rethinking Land Use Laws for a Diverse New America*, which focuses on the socially exclusionary effects of land use laws. He received his J.D. at the University of Virginia, where he was executive editor of the *Virginia Law Review* and was selected for the Order of the Coif. He later was awarded an LL.M. degree from Georgetown. He wrote the online Land Use Prof Blog from 2006 to 2009.



**Brooke J. Bowman** serves as co-director for Stetson's International Environmental Moot Court Competition and on the editorial board of the *Journal of International Wildlife Law and Policy*. She co-authored the *ALWD Companion: A Citation Practice Book* and has published in the *Oklahoma Law Review*, *The Second Draft*, *Stetson Law Review*, and *Perspectives: Teaching Legal Research and Writing*. She regularly presents at national and regional conferences on a wide variety of topics, including teaching strategies, citation, research, scholarship, and working with research assistants. She is the assistant editor in chief and a member of the editorial board for *Legal Writing: The Journal of the Legal Writing Institute*. Professor Bowman is also the Moot Court Advisor and a committee member for Stetson's National Pretrial Competition.



**Peter L. Fitzgerald** specializes in international commercial and economic law, and he is particularly interested in how global and regional trade regimes (such as the WTO, NAFTA, and the European Union) impact national environmental and animal welfare measures. Professor Fitzgerald is a former Fulbright Distinguished Scholar to the United Kingdom and recently returned there to conduct sabbatical research on international law and animal welfare as a visiting fellow at Cambridge University's Lauterpacht Centre for International Law, and as a McCormick Fellow at the University of Edinburgh. Professor Fitzgerald has co-authored four books and written numerous articles addressing a variety of topics in the field of international economic law. He appeared before the congressionally created Judicial Review Commission on Foreign Assets Control, and was invited to provide evidence to both the Swedish Foreign Ministry's Ad Hoc Working Group on Legal Safeguards and Targeted Sanctions, and the British House of Lords' Economic Affairs Committee's



Inquiry into the Impact of Economic Sanctions. Additionally, the U.S. Trade Representative appointed Professor Fitzgerald to the NAFTA Bi-national Chapter 19 Panel Roster, and he served as an arbitral judge on two separate international dispute resolution panels established under the NAFTA agreement.

**Blake Hudson** holds a law degree and master's degree in Environmental Science and Policy from Duke University, where he was a staff editor and the submissions editor for the *Duke Environmental Law and Policy Forum*. Professor Hudson's research considers how property, land use, and natural resources law and policy intersect with environmental and constitutional law, with specific focus on the Takings Clause, Commerce Clause and Treaty Power. Much of his research is inspired by the unique problems posed by the "tragedy of the commons," and the complicated role of private property rights as one solution to those problems. Professor Hudson's research assesses how a system of private property rights can coexist more successfully with regulation of natural resources. He also examines the impact of federalism and constitutional structure on land use and natural resource management issues, with particular emphasis on forest law and governance.



**Lance Long** serves as faculty advisor for the Stetson Law Go Green committee and teaches Research and Writing II – Environmental Law, which focuses on persuasive writing and oral advocacy in the environmental law context. He taught legal research and writing for nine years at Brigham Young University and the University of Oregon before joining the Stetson faculty, and he previously practiced law in California and Utah in the areas of intellectual property, contract and construction law. He is interested in bicycling as a serious alternative to fossil-fuels transportation, intensive reuse and recycling programs, voluntary simplicity, and creating a sustainable, low- or no-growth, economic model for the United States.



**Jeffrey J. Minneti** serves as director of academic success and has taught U.S. legal research and writing for foreign LL.M. students. Professor Minneti's scholarship focuses on the intersection of environmental regulation and behavioral economics. Specifically, he has written about whether the regulation of environmental marketing claims is necessary, and if so, which form of regulation of the environmental claims is appropriate. His latest work considers the effects of non-state environmental regulators such as private and international environmental standard setters on developing countries' environmental regulatory schemes.



**Wanita Scroggs** is the foreign and international law librarian for Stetson University College of Law. Her research interests include environmental law and bioethics. She is a member of the American Association of Law Libraries, where she serves as a mentor to new law librarians. Scroggs also is a member of the American Society of International Law, where she serves as a research attorney in the International Legal Research Interest Group. She is immediate past president of the Central Florida Association of Law Libraries. She teaches Advanced Legal Research with an international law focus.



## Recent Environmental Law Publications

### Recent Books and Book Chapters

Paul Boudreaux, *The Land Use Bias* (Palgrave Macmillan 2011).

Peter L. Fitzgerald, *International Issues in Animal Law* (Carolina Academic Press forthcoming 2012).

Royal C. Gardner, *Lawyers, Swamps, and Money: U.S. Wetland Law, Policy, and Politics* (Island Press 2011).

Royal C. Gardner, *Wetlands in the Americas* (Secretariat of the Ramsar Convention 2011) (co-edited by Maria Rivera).

Royal C. Gardner, *The Ramsar Convention*, in *Wetlands - Integrating Multidisciplinary Concepts* (Ben A. LePage ed., Springer) (co-authored with Nicholas Davidson).

Royal C. Gardner, *Official Development Assistance: Toward Funding for Sustainability*, in *Agenda for a Sustainable America* (John C. Dernbach ed., Env'tl. L. Inst. 2009) (co-authored with Ezequiel Lugo).

Royal C. Gardner, *Legal Considerations*, in *Conservation and Biodiversity Banking - A Guide to Setting Up and Running Biodiversity Credit Trading Systems* (Ricardo Bayon, Jessica Fox & Nathaniel Carroll eds., Earthscan, London 2008).

Royal C. Gardner, *Rapanos and Wetland Mitigation Banking*, in *The Supreme Court and the Clean Water Act: Five Essays* 56 (Vt. J. Env'tl. L. 2007).

Blake Hudson, *Constitutions and the Commons: The Impact of Federalist Structures on Local, National and Global Resource Governance* (RFF Press forthcoming 2013).

### Recent Articles

Paul Boudreaux, *Homes, Rights, and Communities*, Fla. J. of L. & Publ. Policy (2010).

Paul Boudreaux, *Covert Opinion: Revealing a New Interpretation of Environmental Laws*, 9 Vt. J. Env'tl. L. 239 (2008).

Paul Boudreaux, *A New Clean Water Act*, 37 Env'tl. L. Rep. 10171 (2007).

P.L. Fitzgerald, "Morality" May Not Be Enough to Justify the EU Seal Products Ban: *Animal Welfare Meets International Trade Law*, 14 J. Intl. Wildlife Law & Policy 85 (2011).

Royal C. Gardner & Theresa Pulley Radwan, *Corporate Shell Games: LLPs, LLCs, and Responsibility for Mitigation Sites*, 31 Nat'l Wetlands Newsletter 6 (Nov.-Dec. 2009) (reprinted in The Environmental Forum (Summer 2010)).

Royal C. Gardner et al., *Compensating for Wetland Losses under the Clean Water Act (Redux): Evaluating the Federal Compensatory Mitigation Regulation*, 38 Stetson L. Rev. 213 (2009) (co-authored with eight former members of the NRC Committee on Mitigating Wetland Losses) (abridged version published in 31 Nat'l Wetlands Newsletter 1 (Mar.-Apr. 2009)).

Royal C. Gardner, *African Wetlands of International Importance: Assessment of Benefits Associated with Designations Under the Ramsar Convention*, 21 Georgetown Intl. Env'tl. L. Rev. 257 (2009) (co-authors Kim Diana Connolly and Abou Bamba).

Royal C. Gardner, *North American Wetland Mitigation and Restoration Policies*, 17 Wetlands Ecol. & Mgt. 1 (2009) (intro. to special issue).

Royal C. Gardner, *Reconsidering In-Lieu Fees: A Modest Proposal*, Ecosystem Marketplace (July 2007).

Royal C. Gardner, *The Ramsar Convention on Wetlands: Assessment of International Designations Within the United States*, 37 Env'tl. L. Rep. 10,089 (Env'tl. L. Inst.) (2007) (co-authored with Kim Diana Connolly) (condensed version published in 29 National Wetlands Newsl. 6 (Mar.-Apr. 2007)).

Blake Hudson, *Federal Constitutions, Global Governance, and the Role of Forests in Regulating Climate Change*, 87 Ind. L.J. (forthcoming 2012).

Blake Hudson, *Federal Constitutions: The Keystone of Nested Commons Governance*, 63 Ala. L. Rev. (forthcoming 2012).

Blake Hudson, *Fail-safe Federalism and Climate Change: The Case of U.S. and Canadian Forest Policy*, 44 Conn. L. Rev. (forthcoming 2012).

Blake Hudson, *Reconstituting Land Use Federalism to Address Transitory and Perpetual Disasters: The Bimodal Federalism Framework*, 2012 BYU L. Rev. (forthcoming 2012).

Blake Hudson, *Climate Change, Forests and Federalism: Seeing the Treaty for the Trees*, 82 U. Colo. L. Rev. (forthcoming 2011).

Blake Hudson, *Commerce in the Commons: A New Conception of Environmental and Natural Resource Regulation Under the Commerce Clause*, 35 Harvrd Env'tl. L. Rev. (forthcoming 2011).

Blake Hudson, *Seeing the Global Forest for the Trees: How U.S. Federalism Can Coexist with Global Governance of Forests*, J. Natural Res. Pol'y Research 1(4): 353-365 (2009) (peer-reviewed) (co-authored with Erika Weinthal).

Blake Hudson, *The Public and Wildlife Trust Doctrines and the Untold Story of the Lucas Remand*, 34 Colum. J. Env'tl. L. 99 (2009).

Blake Hudson, *Is an Exemption from U.S. Groundwater Regulations a Loophole or a Noose?*, Pol'y Sciences 41(3): 205-220 (2008) (peer-reviewed) (co-authored with Erika Weinthal and Brigham Daniels).

Blake Hudson, *Promoting and Establishing the Recovery of Endangered Species on Private Lands: A Case Study of the Gopher Tortoise*, 18 Duke Env'tl. L. & Pol'y Forum 163 (2007).

Jeffrey J. Minneti, *Rising Together: Clarifying the International Environmental Marketing Claim Regulatory Landscape so that Developing Country Exporters May More Effectively Market their Environmentally Responsible Products*, Notre Dame J. of Intl. Comp., & Hum. Rights Law (forthcoming 2011).

Jeffrey J. Minneti, *Relational Integrity Regulation: Nudging Consumers toward Products Bearing Valid Environmental Marketing Claims*, 40 Env'tl. L. (Winter 2010).

Jeffrey J. Minneti, *Is it Too Easy Being Green? A Behavioral Economics Approach to Determining Whether to Regulate Environmental Marketing Claims*, 55 Loy. L. Rev. 653 (2009).



**"Stetson University provides the highest quality in legal education in a unique and stimulating learning environment. The focus on professionalism ensures that Stetson graduates are highly regarded in the practice of law."**

Rhea F. Law '79  
CEO and Chair, Board of Directors,  
Fowler White Boggs  
Practices in the areas of  
government, environmental law  
and land use

## Stetson University College of Law

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[www.law.stetson.edu/international/biodiversity](http://www.law.stetson.edu/international/biodiversity)



### Ken Feinberg to visit Stetson

Ken Feinberg, administrator of the BP oil spill escrow fund and past administrator of compensation funds for the Sept. 11, 2001, terrorist attacks and Virginia Tech victim donations, is scheduled to speak at Stetson Law in spring 2012 as the Nichols Foundation Prominent Speakers Lecturer. Visit [www.law.stetson.edu](http://www.law.stetson.edu) for more details. *Photo courtesy of BP/Flickr.*

## Environmental Law Programs at Stetson University College of Law

- Institutes for Biodiversity and Caribbean Law and Policy
- International Environmental Moot Court Competition founded at Stetson in 1995
- J.D. Certificate of Concentration in Environmental Law
- Home to the *Journal of International Wildlife Law and Policy*
- Co-Sponsor of the International Wildlife Law Conference
- Ample opportunities for student service for international, regional and local efforts that impact the environment
- “Go Green” committee of students, faculty and staff cooperate to reduce the environmental footprint of Stetson Law
- Active Environmental Law Society student organization
- Interdisciplinary courses that bring together legal, scientific and policy perspectives on environmental issues
- Internships with the National Oceanic and Atmospheric Administration, Hillsborough County Environmental Protection Commission, the Conservation Foundation of the Gulf Coast, and other organizations
- Frequent biodiversity presentations by speakers from around the world
- Faculty scholars who are prolific writers in the areas of environmental law, land use and natural resources
- Student externship opportunity with the Ramsar Secretariat

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