



Institute for Biodiversity Law and Policy 2022–2023 Annual Report

Stetson University College of Law provides environmental law education, research, and service at the international, national, and local levels. The Institute for Biodiversity Law and Policy is Stetson Law's interdisciplinary focal point for environmental law programs and initiatives and is a past recipient of the **Distinguished Achievement in Environmental Law and Policy Award** from the American Bar Association's **Section of Environment, Energy, and Resources (ABA SEER)**. This report describes some of the Biodiversity Institute's activities during academic year 2022–2023. To learn more about the Institute, please visit www.stetson.edu/law/biodiversity.



Supporting national environmental policy

In October 2022, Professor Royal Gardner (Biodiversity Institute Co-Director) attended oral arguments in *Sackett v. U.S. Environmental Protection Agency*, a Clean Water Act case before the U.S. Supreme Court. Professor Gardner was Counsel of Record for twelve international and national scientific societies that filed an [amici curiae brief](#) that explained the importance of wetlands in filtering pollutants, reducing flood risks, and providing wildlife habitat. Stetson Law students contributed to the drafting of the *amici* brief.

The Court issued its opinion in May 2023, adopting a restrictive definition of “waters of the United States,” which will have a dramatic impact on federal wetland protection efforts. Professor Gardner was invited to speak on the potential effects of the ruling by numerous organizations including The Nature Conservancy, Ecological Restoration Business Association, American Fisheries Society, and Engineers and Scientists Acting Locally. He also wrote a World View column for the journal [Nature](#) and published a letter in the journal [Science](#).



An early morning at the U.S. Supreme Court for Prof. Gardner and his sister Kathleen Gardner, a member of the *amici* brief legal team.



Blue-Green Action Platform

...bridging communities upstream and downstream to improve nitrogen management

Stetson Law's Dick and Joan Jacobs Public Interest Law Clinic for Democracy and the Environment and the Biodiversity Institute were awarded a subgrant through the [National Science Foundation](#) to work with the startup policy platform **BlueGAP** in developing novel ways to address nitrogen pollution. The [BlueGAP](#) project brings experts together from Iowa, U.S. Virgin Islands, and Tampa Bay, representing a variety of disciplines, to collaborate on a holistic, visually engaging way to address nitrogen pollution, with an emphasis on how this pollution affects frontline communities.



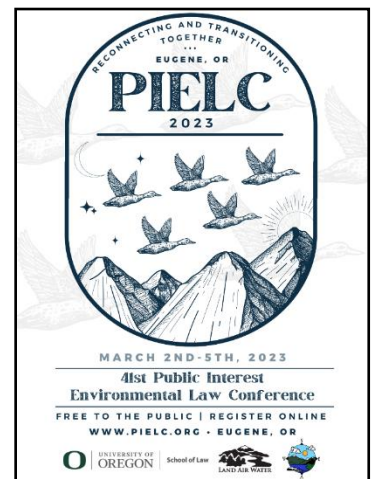
Professor Paul Boudreaux (Biodiversity Institute Co-Director) served as chair of the **American Association of Law Schools** section on Environmental Law and developed and moderated the section's main session at its annual meeting in San Diego in January 2023.

Professor Jaclyn Lopez presented at several conferences during the 2022–2023 academic year. These presentations included a program hosted by the Natural Resources Leadership Institute on Piney Point, Phosphate, and Environmental Risks; on Major Questions Doctrine at the Federal Administrative Law Judges Annual Educational Conference; at a Legal Writing Institute workshop; at the University of Florida's Public Interest Environmental Conference discussing Florida water issues; and at the Everglades Coalition conference discussing the Supreme Court's environmental docket and impacts in Florida.

Professor Lance Long and Professor Lopez attended the **2023 Public Interest Environmental Law Conference (PIELC)** at the University of Oregon with environmental concentration students Mia Hartley and Jonathan Burton. While there, Professor Long presented on a multimillion-dollar SLAPP suit filed against a vocal critic of a Utah lake development. Professor Lopez presented on 20 years of interpreting the decision in *Public Citizen* and whether it has narrowed the effects an agency must analyze under the National Environmental Policy Act.



Prof. Long at PIELC



Collaborating at the international level

Stetson Law hosted the International Finals of the 27th annual **International Environmental Moot Court Competition (IEMCC)** in April 2023. Founded by Stetson Law in 1996, it is the world's largest moot court competition devoted exclusively to international environmental issues. This year's theme was Deep-Sea Mining and State Responsibility.

From November 2022 through February 2023, student teams submitted written memorials and presented oral arguments at national and regional rounds throughout the world. Hundreds of students participated in these rounds, and the top teams were invited to the International Finals at Stetson Law's Gulfport campus.

Professor Gardner participated as a judge in four national competitions, joining the Indian National Rounds in Sonapat, the East Asian National Rounds in Seoul, the Colombian National Rounds in Bogota, and the Southeast Asian Rounds virtually.



Clockwise from top left: EARR at Soongsil University; Indian National Rounds; SEARR hosted by the University of the Philippines; Finals of Colombian National Rounds at Javeriana University

Eighteen teams from Brazil, China, Colombia, India, Ireland, Nepal, the Philippines, Republic of Korea, Singapore, Ukraine, United Kingdom, and United States participated in the International Finals. The championship round judges were Judge Kathy-Ann Brown of the International Tribunal for the Law of the Sea and the Seabed Disputes Chamber, Dr. Wil Burns, Visiting Professor in the Environmental Policy & Culture program at Northwestern University, and Stetson Law's own Professor Jason Palmer.

The championship team was West Bengal National University of Juridical Sciences, Kolkata, India, with the Irish Law Society as runner-up. The semifinalists were the University of San Agustin, Philippines, and the University of the Philippines College of Law. Soongsil University from the Republic of Korea received the award for the

best written memorial, and Mackenzie Presbyterian University in Brazil received the Spirit of Stetson Award, which recognizes the team that best exemplifies civility, justice, and fair play during the competition. We are grateful for everyone's continued support of the Stetson IEMCC.

Thanks to the **Environmental and Land Use Law Section of The Florida Bar** for providing us with a grant to support the competition again this year. For more information about the competition or to register a team or volunteer as a judge, please visit www.stetson.edu/iemcc or email Professor Gardner at gardner@law.stetson.edu or Katherine Pratt at kpratt2@law.stetson.edu.



West Bengal team with Prof. Gardner

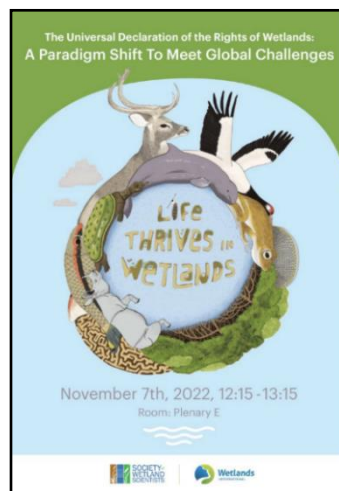


Traditional group shot at the International Finals of the Stetson IEMCC, with royal frilled shark lurking the background.

Professor Gardner completed his term as a member of the Ramsar Convention's Management Working Group and attended the **Ramsar Conference of the Parties** as an observer in November 2022 in Geneva, Switzerland. While there, he spoke at a side event, hosted by the Society of Wetland Scientists and Wetlands International, about the concept of the rights of wetlands. In February, Professor Gardner presented on wetland laws at a **Ramsar Regional Workshop on Governance and Capacity Development** in Belize.



Rights of Wetlands side event



Stetson at Ramsar COP14

In November 2022, the **Inter-American Convention on the Protection and Conservation of Sea Turtles (IAC)** recognized its long-standing relationship with Stetson Law through a Memorandum of Cooperation. Professor Gardner joined the IAC Secretary General Verónica Cáceres Chamorro for the formal signing while both were attending the Ramsar COP14 in Geneva.



A signing ceremony in Geneva



A sea turtle Tweet

At the request of the IAC Secretariat, the Biodiversity Institute began work on a report analyzing the implementation of treaty obligations. Five Stetson students were selected for the project and attended the initial presentation of the draft report to the Meeting of the Consultative Committee of Experts in April 2023. After the presentation, the Committee recommended a final report be prepared and presented by Stetson at the IAC Conference of the Parties to be held in Ecuador in 2024.



A meeting of sea turtle experts

Engaging students in and out of the classroom



On the left: Elise Bennett presenting on endangered species in Florida. On the right: Walter L. Smith II speaking on coal ash pollution and environmental justice

Left photo: Dr. James “Buddy” Powell presenting on manatee conservation in Florida. Right photo: Ed Gardner (Prof. Gardner’s brother) speaking about illegal fishing and piracy.



The **Edward and Bonnie Foreman Biodiversity Lecture Series** welcomed several policy experts to Stetson during the 2022–2023 academic year. The lecture series, which is free and open to the public, has included presentations from scientists, attorneys, judges, policymakers, and other experts over the years. The series continues to foster a dialogue about timely, important environmental issues and has created meaningful connections, externships, and other opportunities for students. The 2022–2023 speakers were Elise Bennett (Center for Biological Diversity), Walter L. Smith (Sierra Club), Dr. James Powell (Clearwater Marine Aquarium), and Ed Gardner (US Naval Criminal Investigative Service, retired). Lecture topics ranged from manatee conservation to the effect of illegal, unreported, and unregulated fishing on piracy.

We are sad to report the passing of our friend **Bonnie Foreman**. Bonnie was a great supporter of the Biodiversity Institute, and she especially loved the lecture series and the Stetson IEMCC. We will miss her warmth, enthusiasm, and wise counsel.



Bonnie Foreman



In 2021, the Biodiversity Institute launched an **Environmental Law Teaching** program in collaboration with the School of Geosciences at University of South Florida (USF) in St. Petersburg, patterned after a program developed by Professor Zyg Plater at Boston College Law School. Each spring, Professor Gardner advises a third-year law student and Biodiversity Fellow Katherine Pratt in developing and co-teaching an undergraduate course on Environmental Regulation as adjunct professors at USF. This year, third-year student Mia Hartley co-taught the course, where she developed a course project centered on current conservation efforts for the Brown Pelican.

Biodiversity Fellow Katherine Pratt and 3L Mia Hartley on the first day of class at USF St. Petersburg

In the spring of 2023, Professors Long and Lopez led their **Research and Writing II—Environmental Law** class on the annual swamp walk at Big Cypress National Preserve. Students look forward to the hike and camping trip where they learn about the unique Everglades ecosystem. Leading up to the trip, the class researched and wrote about the Endangered Species Act and the listing of the Ghost Orchid, a species native to Big Cypress and the surrounding area, as threatened or endangered under the Act. On a separate hike in nearby Fakahatchee Strand Preserve State Park, students spotted the rare orchid.



A typical legal research and writing outing at Stetson Law

Celebrating the accomplishments of our students and graduates



ELULS Competition
winner Brooke Cleary

The Environmental Land Use Law Section (ELULS) of the Florida Bar Association selected second-year Environmental Law Concentration student Brooke Cleary's submission on the legal implications of sea-level rise as the winner of its annual Law School Note Competition. The Competition's theme was "Looking Backwards, Looking Forwards: 50 Years of Florida Environmental Law" and was part of a celebration of the Section's 50th anniversary.

Environmental Law Concentration student Stefanie Stockwell received the 2022–2023 stipend for a summer clerkship with the **Dick and Joan Jacobs Public Interest Law Clinic for Democracy and the Environment**. Stetson Law students can apply for financial support during the summer from the [Dick and Joan Jacobs' Environmental Law Externship Fund](#), which enables them to participate in environmental law externships and other opportunities around the country and internationally.

Stetson students Mia Hartley, Jennifer Hollander, and James Meslener competed in the **Jeffrey G. Miller National Environmental Law Moot Court Competition** in February 2023. The competition is hosted by the Elisabeth Haub School of Law at Pace University. Professor Boudreaux and 2022 Stetson Law graduate Lauren Beames coached the team.

Congratulations to the graduates who received environmental law awards at the spring 2023 Honors and Awards Ceremony! Angela Xu (left) received the Hearne Environmental Law Award and Iman Mamdouh (right) was the recipient of the Nader/Zrake Memorial Award.



Hearne Environmental Law Award recipient, Angela Xu



Nader/Zrake Memorial Award recipient Iman Mamdouh

Two Stetson alums recently joined federal agencies. Stephanie Gray (2010) is now Associate Regional Counsel for the U.S. EPA Region 4 in Atlanta. Marc Shumaker (2014) is now working as an Attorney Advisor for the U.S. Department of the Interior at the Office of the Solicitor for the Pacific Northwest Region in Boise.

Welcoming the Dick and Joan Jacobs Public Interest Law Clinic for Democracy and the Environment

The [Dick and Joan Jacobs Public Interest Law Clinic for Democracy and the Environment](#) launched in the spring of 2023 under Director Jaclyn M. Lopez. The inaugural class maxed out at eight students, working to serve neighborhood associations, quasi-governmental agencies, conservation and public health organizations, and direct democracy advocates. The clinic provided the following legal services:

- Development and presentation of a legislative watch list to constituents and the public;
- Analysis of and presentation on turf ordinances to constituents and the public;
- Counsel on and coordination with local agencies on air quality issues;
- Litigation memo and presentation for a coalition fighting industrial pollution;
- 50-state survey on citizen initiative processes to legislate;
- Legal analysis of federal agency policy on fossil fuel development in national parks;
- Public comments on imperiled biodiversity; and
- Legal memo on citizens' ballot initiative process in a rural county.

Looking forward to the future . . .

We are excited to welcome Professor Erin Okuno back to Stetson Law! After teaching for two years at University of Miami School of Law, she is joining the Stetson Law faculty in fall of 2023.



Prof. Okuno (lower left), judging the finals of the Southeast Asia Regional Rounds in January 2023, hosted virtually by the University of the Philippines.

For more information about Stetson's Institute for Biodiversity Law and Policy and how to support our programs, please visit www.stetson.edu/law/biodiversity or contact Professor Roy Gardner at gardner@law.stetson.edu or Katherine Pratt at kpratt2@law.stetson.edu.



A blue-footed booby in the Galapagos
(Photo credit: R. Gardner)



A grazing rhinoceros at Kaziranga National Park in Assam, India
(Photo credit: R. Gardner)