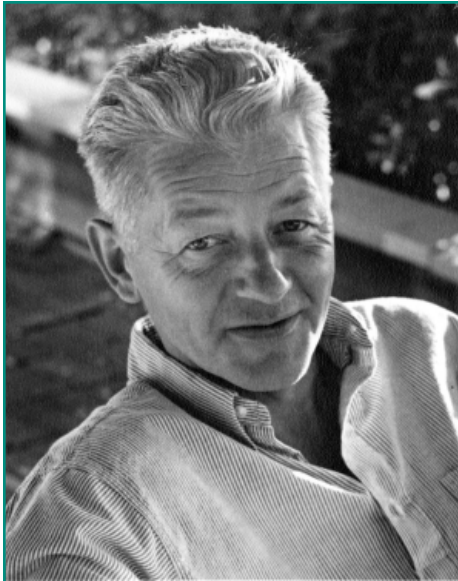




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photo courtesy of the University of Utah Marriott Library Special Collections



14th Annual Symposium

Wallace Stegner: His Life and Legacy

Friday & Saturday, March 6-7, 2009

Wallace Stegner—historian, novelist, essayist, conservationist, and educator—is widely known as the “Dean of Western Writers.” His literary legacy carries on in his major novels and nonfiction works which are as relevant today as when they were written, and in the lives and writings of Stanford University Stegner Fellows, who have built a fine literary tradition of their own. To celebrate the centennial of Stegner’s birth on February 18, 1909, the Wallace Stegner Center’s 14th Annual Symposium, “Wallace Stegner: His Life and Legacy,” will bring together a select group of former Stegner fellows, writers, and poets; conservationists; historians; public officials; and others who will explore Stegner’s life and his ongoing influence on subsequent generations of writers, historians, and conservationists.

Our speakers for the symposium include:

Bruce Babbitt *former Governor of Arizona and former U.S. Secretary of the Interior*

Will Bagley *Independent Historian; Wallace Stegner Centennial Fellow, Tanner Humanities Center, the University of Utah*

Wendell Berry *Author*

Carl Brandt *Brandt & Hochman Literary Agents, Inc.*

John Daniel *Author*

Philip Fradkin *Author*

Melody Graulich *Professor, Department of English, Utah State University*

Patty Limerick *Faculty Director and Chair of the Board, Center of the American West; Professor of History, University of Colorado at Boulder*

Robert Steensma *Professor Emeritus of English, the University of Utah*

Lynn Stegner *Writer and Lecturer, currently at Stanford University*

Page Stegner *Author and Professor Emeritus, University of California, Santa Cruz*

Debora Threedy *Playwright; Professor of Law, the University of Utah, S.J. Quinney College of Law*

Stephen Trimble *Author and Wallace Stegner Fellow, Tanner Humanities Center, the University of Utah*

Richard White *Margaret Byrne Professor of American History, Stanford University*

Charles Wilkinson *Distinguished University Professor, Moses Lasky Professor of Law, University of Colorado School of Law*

Terry Tempest Williams *Author and Conservationist*

The Stegner Center will begin accepting registrations in January 2009. Additional information on registration and fees will be available online at www.law.utah.edu/stegner or by calling 801-585-3440. CLE credits for Utah will be available.

Principal funding is provided by the R. Harold Burton Foundation, Chevron, and the Cultural Vision Fund.

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letter from the *director*

Bob Keiter

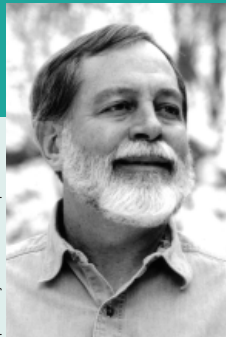


photo by Donald J. Sharp

In a few months it will be 100 years since Wallace Stegner was born, and the Stegner Center has been busy preparing for this special centennial occasion. Working with a diverse array of local partners, the Stegner Center will focus its annual symposium on “Wallace Stegner: His Life and Legacy,” welcoming an all-star cast of speakers—including the writer Wendell Berry and former Interior Secretary Bruce Babbitt—to campus for this event. The symposium will also premiere a one-act play about Wallace Stegner, penned by our colleague Debora Thredy who is an accomplished playwright and actress.

In the meantime, Stegner-Tanner Humanities Center Fellows Stephen Trimble and Will Bagley, both well-known Western writers, have been busy with their own efforts to explain Stegner’s accomplishments and ideas to a wider audience. The campus public television station—KUED—is putting the final touches on a documentary about Wallace Stegner and the American West that will premiere in early 2009. In November, the University’s College of Humanities Lyceum Lecture will host writer Peter Matthiessen and photographer Subhankar Banerjee, whose provocative presentation is entitled “From the Arctic to the Everglades.” And an Honors College Think Tank class, under the tutelage of Stephen Trimble and myself, is addressing “Wallace Stegner and Western Lands” with a class project focused on Canyonlands National Park and adjacent public land issues. Additional Stegner Centennial events and other upcoming programs are highlighted in the newsletter, while the website www.wallacestegner.org contains more information on the centennial activities.

Peering backwards, the past year has been a busy one for the Stegner Center, capped off by the annual symposium on “Alternative Energy: Seeking Climate Change Solutions.” The 450 symposium attendees were treated to diverse, thought-provoking presentations outlining our future energy challenges and choice in the face of a warming climate; the writer Bill McKibben concluded the two-day event with a rousing call-to-action before the problem worsens further. Other highlights throughout the year included campus presentations by the author Alan Weisman, whose book *The World Without Us* has

garnered critical acclaim with its unique examination of how humanity has altered the planet, and by the author Philip Fradkin, whose new biography, *Wallace Stegner and the American West*, helps to further illuminate Stegner’s role in Western literature and conservation policy.

As we prepare this annual newsletter, I’m always amazed at the accomplishments and activities of my colleagues whose energy and vision has enabled the Stegner Center to thrive as a beehive of activity. Over the years, none has been more engaged in the quest to make “a society to match our scenery” than Bill Lockhart, who has now spent over 40 years at the S.J. Quinney College of Law teaching, writing, and advocating on nearly any subject that touches the

public lands, our environment, and our civil liberties. Bill is appropriately profiled in these pages, but it’s impossible to capture his passion, determination, and commitment with written words. Though nearing retirement, Bill has recently spread his wings abroad through two Fulbright awards in India and his ongoing efforts to strengthen that nation’s environmental laws. On a personal note, I’m personally indebted to Bill for convincing me that Utah would offer not only new professional challenges, but a stunning landscape to explore.

Finally, neither the Stegner Center nor the College of Law’s environmental curriculum would be able to maintain its cutting-edge quality without the commitment of our numerous donors and supporters. One of our most successful programs has been the O’Hara Fellowship, which was initiated by Patrick O’Hara’s family and friends to commemorate his life and his commitment to natural resources law. As you will see in the profile of O’Hara Fellow Jim Allen, the connection between the College of Law and the Attorney General’s Office that this program has established is making a significant difference in how the state manages its natural resources. There is no finer legacy that I can imagine, and I’m confident Wallace Stegner would see it the same way.

Robert B. Keiter

Stegner 100 Celebrations



In honor of the centennial of Wallace Stegner's birth on February 18, 2009, the Wallace Stegner Center, in collaboration with on- and off-campus partners, has planned a series of activities celebrating Wallace Stegner's life and legacy. The activities will begin with the College of Humanities 2008 Lyceum II Lecture, "From the Arctic to the Everglades: An Evening with Peter Matthiessen and Subhankar Banerjee" and conclude with the Stegner Center's 14th Annual Symposium, "Wallace Stegner: His Life and Legacy," which will feature such luminaries as Bruce Babbitt, Wendell Berry, Patty Limerick, Page Stegner, Charles Wilkinson, and Terry Tempest Williams. The Stegner Center's partners in planning and hosting the various Stegner 100 celebrations include: Chevron, The City Library, The Nature Conservancy in Utah, Salt Lake City Mayor's Office, University of Utah College of Humanities, University of Utah Marriott Library, University of Utah Press, Utah Humanities Council, and Utah State Historical Society. Among the events and activities sponsored by Stegner 100 partners are the following:

"Wallace Stegner and Western Lands" Honors Think Tank Class

by Benjamin Yrungaray

This fall, Professor and Stegner Center Director **Bob Keiter** and Stegner Center Fellow **Stephen Trimble** will offer "Wallace Stegner and Western Lands," an Honors College think tank class. The class is part of the Stegner Center's year-long celebration to honor the centennial of Wallace Stegner's birth, which will be commemorated on February 18, 2009.

"This class will support our goal to build on Stegner's knowledge and insights to promote thoughtful conservation and to establish 'a society to match our scenery' in the American West," says Professor Keiter. "As a law professor I will join with Stephen Trimble, a writer and photographer, to offer students an interdisciplinary approach to natural resource and environmental matters."

The class is a year-long undergraduate class that will include 12 students, each of whom receives a \$1,000 scholarship. The class will spend the fall semester absorbing background information by reading Stegner and other materials related to the West, public lands, and natural resources. Outside speakers will visit the class weekly to offer additional insights, and the class will take a trip to the Moab area over fall break to meet with various groups interested in the future of Canyonlands National Park.

Among others, reading materials will include Stegner's *Beyond the Hundredth Meridian: John Wesley Powell and the Second Opening of the West* and *The Big Rock Candy Mountain*. Other works include: *Wallace Stegner and Western Lands* by Philip Fradkin, *Cities in the Wilderness: A New Vision of Land Use in America* by Bruce Babbitt, *Fire on the Plateau: Conflict and Endurance in the American Southwest* by Charles Wilkinson, and *Bargaining for Eden: The Fight for the Last Open Spaces in America* by Stephen Trimble.

The spring semester will be spent working on a class project related to an issue of current interest, likely to involve public land management and potential boundary adjustments in the vicinity of Canyonlands National Park in Southern Utah.

Wallace Stegner Fellows: Will Bagley and Stephen Trimble

by Benjamin Yrungaray

The Wallace Stegner Center and Tanner Humanities Center Fellowship was created for the 2008-09 academic year in celebration of the centennial of Wallace Stegner's birth to enable scholars to spend a year of research focused on Wallace Stegner's life and legacy. Two fellows, historian Will Bagley and author/photographer Stephen Trimble, were selected. Bagley and Trimble will receive an annual stipend, providing them time to focus on their research and engage in ongoing community and academic discussions about Wallace Stegner's life and legacy and their research projects.

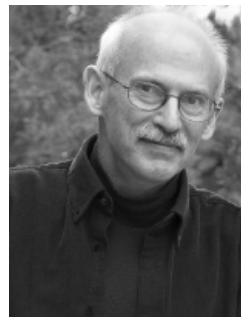


A native of Utah, independent historian **Will Bagley** attended Brigham Young University and was a President's Scholar at the University of California, Santa Cruz. His column, "History Matters," appears in *The Salt Lake Tribune* and he has written and edited more than a dozen books, including *Frontiersman: Abner Blackburn's Narrative*, which won the 1991 Evans Manuscript Prize. His most recent work is *Blood of the Prophets: Brigham Young and the Massacre at Mountain Meadows* (2003).

"The chance to participate in the celebration of the Wallace Stegner Centennial is a singular opportunity for any scholar who cares about the literature and history of

the American West,” says Bagley. “I feel very lucky and hope to contribute a great deal to our understanding of Wallace Stegner and his works.”

Bagley will study three topics he has titled “No Boundary Between History and Literature: The Legacy of Bernard Devoto and Wallace Stegner,” “Mormon Country: Wallace Stegner’s Record of a Lost World,” and “Land Grab in the Plundered Province: Bernard Devoto, Wallace Stegner, and the Geography of Hope.”



Stephen Trimble is a naturalist who received his degrees from Colorado College and the University of Arizona. In 1990, he was awarded a Doctor of Humane Letters by Colorado College “for his efforts to make Western landscapes and people understandable and accessible to the public.” He is the author of more than a dozen books, with *The Sagebrush Ocean: A Natural*

History of the Great Basin (1989) now in its eleventh edition. In 1996, U.S. Senator Russ Feingold read Trimble’s essay, “Our Gardens, Our Canyons,” on the floor of the United States Senate in his plea to save Utah wilderness.

“The centennial celebration of Stegner’s birth gives us a chance to return to his strong words that mirror our home landscape and community,” says Trimble. “I feel deeply honored to be chosen for the Stegner Fellowship, and I feel like I have been preparing for it my whole life.”

For his research, Trimble will take Stegner’s writing on the roads across Utah, bringing his words home to the places where they started. In school and community programs, he’ll offer excerpts from Stegner to the people who live in the locations he memorialized in print. Trimble will ask citizens to respond in their own words, hoping to reintroduce Wallace Stegner’s work to readers and stimulate community dialogue.

The Wallace Stegner Fellowship Program is made possible by a generous grant from Chevron.

KUED-TV to Release New Stegner Documentary

In honor of Wallace Stegner’s birth on February 18, 2009, the University of Utah’s public television station KUED will release a new documentary on Wallace Stegner in early 2009. Wallace Stegner was many things: Teacher. Historian. Environmentalist. But, above all, Stegner was a writer. Considered by many to be the “Dean of Western Writers,” he was a Pulitzer Prize-winning novelist and non-fiction author, with more than thirty full-length works and countless essays addressing the landscape, humankind’s



footprint, and the evolution of a region and nation. A renowned mentor, he shaped the outlook and careers of an extraordinary range of young writers.

Featured interviews for this new documentary include Sandra Day O’Connor, Bruce Babbitt, and Stuart Udall.

The Wallace Stegner Prize in Environmental and American Western History

The Wallace Stegner Prize will be awarded annually to the best monograph submitted to the University of Utah Press in the subject areas of environmental and American Western history. To compete for this award, manuscripts must emphasize research in primary and secondary sources and quality writing in the tradition of Wallace Stegner.

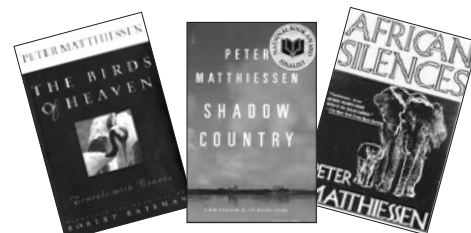
The winning manuscript will demonstrate a commitment to scholarly narrative history that also appeals to more general readers. These criteria reflect the legacy of Wallace Stegner as a student of the American West, as a spokesman for the environment, and as a teacher of creative writing. The winner of the Wallace Stegner Prize will receive a \$10,000 award and a publication contract with the University of Utah Press. A panel of historians and representatives of the Press will determine the winning submission.

For more information, please see the University of Utah Press website at www.uofupress.com/Stegner_prize.php.

2008 Lyceum II Lecture

The College of Humanities will open the year-long Wallace Stegner centennial celebration with its 2008 Lyceum II lecture, “From the Arctic to the Everglades: An Evening with Peter Matthiessen and Subhankar Banerjee,” scheduled for November 13, 2008, at 7:00 p.m. in the City Library Auditorium.

Named in 1974 to the American Academy of Arts and Letters, **Peter Matthiessen** is a naturalist, novelist, Zen priest, and living legend. It is Matthiessen’s travel writing that established him as a consummate advocate for the natural world. In *The Snow Leopard* (1978), winner of the National Book Award, he writes lyrically of seeking both endangered creatures and spiritual fulfillment in the Himalayas. He recounts in crystalline prose his treks through Africa and Antarctica in *African Silences* (1991) and *End of the Earth* (2003), while *The Birds of Heaven* (2001)



promotes the protection of majestic cranes and the planet's ecosystem. He is the author of nearly two hundred articles and essays, two dozen short stories, and eight novels.



Indian born artist-educator-activist **Subhankar Banerjee** uses photography to raise awareness about threats to the health and well-being of our planet. Since late 2000, he has focused all his efforts on indigenous human rights and land conservation issues in the Arctic.

His Arctic photographs have been exhibited in nearly 40 one-person and group exhibitions in the United States and Europe and published in over one hundred magazines and newspapers internationally. His photographic work has been instrumental in the ongoing conservation efforts for ecologically and culturally significant areas of the American Arctic, including the Arctic National Wildlife Refuge, Teshekpuk Lake wetlands, Utukok River uplands, Beaufort and Chukchi seas.

He has lectured extensively to educate the public about land conservation, resource wars and cultural diversity issues. Since 2006, he has been a visiting scholar in the College of Environmental Humanities at the University of Utah.

Tennis “N” Tutoring

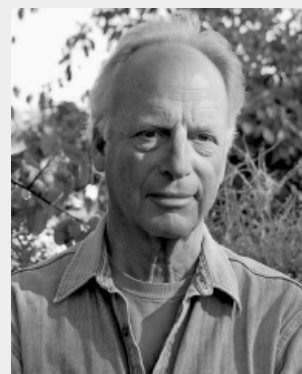
Modeled after other successful Tennis “N” Tutoring programs around the country, the Utah Tennis Association, in cooperation with its community partners, launched a pilot tennis and tutoring after-school program in September 2008.

While raising the academic achievement level of the participants is the main goal of the program, tennis is also important because it helps raise kids’ optimism and self-esteem; it helps with tactical thinking and development of positive personality characteristics. The first session involves students from Lincoln Elementary School who have an interest in tennis and are in need of additional academic support.

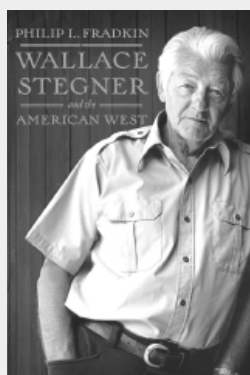
Participating youth from the Tennis “N” Tutoring Program will be involved with activities being planned for the Wallace Stegner Centennial Celebrations at the University of Utah in 2009. Wallace Stegner was a member of the University of Utah’s men’s varsity tennis team, and this program is designed to link Stegner’s athletic and academic legacies to foster self improvement within Salt Lake City’s disadvantaged communities.

A New Stegner Biography: *Wallace Stegner and the American West* by Philip L. Fradkin

Wallace Stegner was the premier chronicler of the twentieth-century Western American experience, and his novels, the Pulitzer Prize-winning *Angle of Repose* and *The Big Rock Candy Mountain*, brought the life and landscapes of the West to national and international attention. But in his illuminating biography, Philip L. Fradkin goes beyond Stegner’s iconic literary status to give us, as well, the influential teacher and visionary conservationist, the man for whom the preservation and integrity of place was as important as his ability to render its qualities and character in his brilliantly crafted fiction and nonfiction.



We learn of Stegner’s hardscrabble youth on the Canadian frontier and in Utah. We watch as he makes a home with his wife, Mary, in the foothills of Palo Alto, California, whose rapid development into Silicon Valley he fights



tirelessly while at the same time opposing dams on the Colorado River. Here are his years at the head of the Stanford Creative Writing Program, where his students included Edward Abbey, Wendell Berry, Ken Kesey, and Robert Stone. And here, too, is the full story of the controversy that followed the publication of *Angle of Repose*. Rich in personal

and literary detail, and in the sensual description of the country that Stegner loved and that shaped his work and his life, Fradkin’s biography of one of the most acclaimed writers, teachers, and conservationists of our time is a must-read for Stegner fans.

Philip L. Fradkin has written ten previous books about Alaska, California, and the interior West, including *A River No More: The Colorado River and the West*. He shared in a Pulitzer Prize at the *Los Angeles Times*, was western editor of *Audubon* magazine, and has taught at Berkeley, Stanford, and Williams. He lives on the Pacific Coast just north of San Francisco.

Fradkin joined the Wallace Stegner Center last spring to read from *Wallace Stegner and the American West* and will also speak at the Stegner Center’s 14th annual symposium, “Wallace Stegner: His Life and Legacy,” in March 2009.

Stegner
Center

year in
review

2007-08
Programs

The 13th Annual Symposium: "Alternative Energy: Seeking Climate Change Solutions"

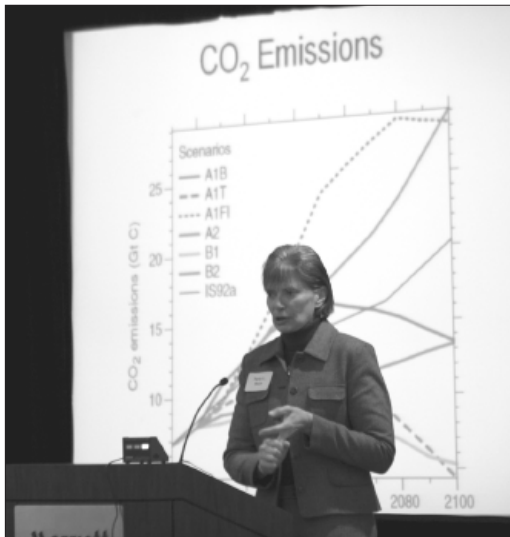
by John Blodgett

The 13th Annual Symposium of the Stegner Center, "Alternative Energy: Seeking Climate Change Solutions," attracted a record 450 registered attendees on March 7-8, 2008, at Marriott University Park in Salt Lake City, Utah.

Sixteen speakers from all disciplines—government policy makers, scientists, advocates, authors—covered a range of topics with often conflicting viewpoints, providing a far-ranging discussion of this frequently divisive issue.

Conference organizer Lincoln Davies, who talked about energy regulation as it stands today and what the future holds for it, praised the "collective intellect" that had assembled for the conference.

Ned Farquhar, Mountain West energy/climate advocate for the Natural Resources Defense Council, opened by speaking of "Energy, Security, Climate: Converging Solutions." "We always, in this country, pair markets with mandatory policies," he said. "We should do the same with energy." As the "world's greatest engine for technology," the United States is well positioned to create energy solutions, yet Farquhar noted, "even in this huge crisis, we're avoiding solutions." In particular, he said that as a country we haven't taken seriously our addiction to oil. He outlined ten possible solutions, including more-efficient engines, whether hybrid or electric; more pervasive and efficient public transportation; a gradual multilateralization of oil defense around the world; and an increase in gas and electric efficiency. Of the latter, he noted that Utah Governor Jon Huntsman, Jr. has the most progressive program in the West.



Terry Root discusses rising CO₂ emissions.

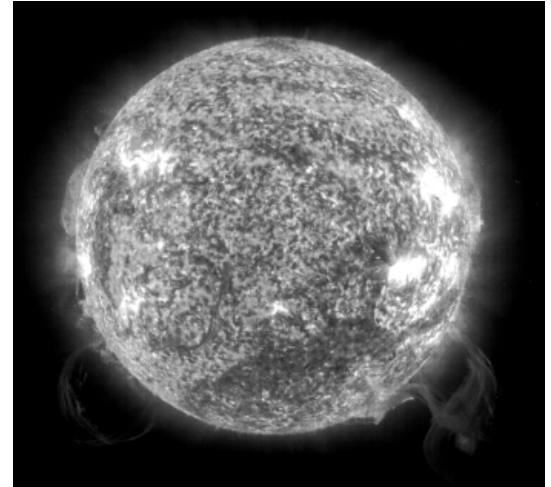


Photo courtesy of SOHO (ESA & NASA)

By discussing how our addiction to fossil fuels changes both climate and animal species, **Terry Root** hoped to silence the naysayers. "Yes indeed, Virginia, there is global warming," said Root, a senior fellow at the Woods Institute for the Environment and a professor in Biological Sciences at Stanford University. She listed a number of factors, often interrelated, that affect the world's species—including humans. These factors include acidification of the oceans, the increasing levels of carbon dioxide and the resulting warming of the earth, and rising temperatures that are driving some species—such as the little pika, familiar to Wasatch Front hikers—into corners where they have no place to go. "We're standing right on the brink of a mass extinction," she said, and predicted that the pika was on this edge.



Author **Bill McKibben**, whose 1989 book, *The End of Nature*, introduced global climate change to a general audience, gave the keynote address. He offered a perspective spanning the 20-plus years that global climate change has been a topic of discussion. In particular, McKibben spoke of the concentration of carbon dioxide in the air in terms of parts-per-million (PPM). According to scientists, a good base figure is 275 PPM—a figure passed long ago. Over the last 20 years, he said scientists have had to change their estimation of the maximum acceptable level of carbon emissions as the magnitude and pace of global warming exceeded their expectations. Starting in the mid-1990s, researchers thought that 450 PPM was the danger zone; that figure has since been revised to 350 PPM. As McKibben noted, however,

“We’re already at 385 PPM. In order to get that number down to 350 PPM—itsself not ideal, but a marked improvement,” McKibben said, “we need to transform our economy to the extent it was during World War II.” Moreover, to do so, “we’ve got to talk about not policy, not science, but politics.”

McKibben, whose foray into political activism began in 2007 with the grassroots website www.stepitup07.org, announced for the first time at the symposium his new endeavor—www.350.org. Because it isn’t enough to work just on the state and local levels, he hopes that 350.org will help us to “figure out a way to take a grassroots movement around the world. We need ideas about how to make this happen.”

Leading up to McKibben were **Dianne Nielson**, energy advisor to Governor Huntsman, and **Sarah Wright**, executive director and founder of Utah Clean Energy. After speaking for a few moments individually, they sat down as a panel and took questions from the audience.

Kyle Dansie, who rode to the conference both days on a 1986 motorcycle he converted to electrical power, was particularly impressed by **Randy Udall**’s talk on energy challenges and energy opportunities. “His talk was worth the \$130 entry fee all by itself,” said Dansie, who hosts a website on the subject of zero-emission vehicles. “His message could be summed up as ‘Yes, we have problems, but Yes, we can fix these problems if we dig in and work hard at solving them.’”

A Lawyer’s Lawyer



Patrick Garver
Executive Vice President
& General Counsel
Barrick Gold Corporation

by *Shawn Anderson*

“I think he brings together the greatest historic and current strengths of the law school,” said Dean Hiram E. Chodosh when introducing

Patrick Garver, the College of Law’s Distinguished Alumnus-in-Residence, “which are environmental law and our newly emerging strength in cross-border and global issues. Patrick has developed a dual nationality during the 15 years he has lived in Canada and a tremendous international portfolio.” Garver (Class of 1978), senior vice president and general counsel of Barrick Gold Corp., headquartered in Toronto, visited the college for two days in March 2008.

“When I got the invitation I didn’t appreciate how much I would enjoy it,” Garver acknowledged to an informal gathering of faculty and guests, “so, to everybody, thank you for having me. It’s so nice to be invited back into this community.”

“One of the things I enjoyed most [in law school] is that there were lots of opportunities to get involved. I may not have been a top student in the class, [but] I was quite involved in a variety of things, such as beefing up the environmental law curriculum, and it made for a very rich, textured experience.” (*As noted in the Fall ’07 Stegner Center newsletter, Garver was also involved in creating the Natural Resources Law Forum.*)

When asked what expectations he had as a law student, Garver acknowledged he had no idea where he was going. What’s more, “I don’t think I ever had a plan for my career.” After turning down an offer from a Denver law firm, he began his practice at Parsons Behle & Latimer. “Staying in Salt Lake meant that I had an opportunity to practice law at a very sophisticated level, which, as I’ve gained more experience around the world, compares favorably with anyplace. It gave me a greater opportunity to get better work sooner and some measure of notoriety in the arcane areas that I was interested in, which translated into more opportunities.”

One of his clients was Barrick Gold Corp., which, at the time Garver accepted their offer to become in-house counsel, was a \$15 million company, with one mine in Utah and one in Nevada. Now its net market capital is \$40 billion. Barrick has offices and operations in approximately 20 countries, including 27 operating mines and ten development projects. “I didn’t think I was signing on to an international firm,” said Garver. “I just liked the company.”

“It [meant] leaving the practice of law because the job is principally a business job,” he noted. “For example, I woke up [one morning] to a call from our chief security officer in London; one of my colleagues had been abducted in western Pakistan overnight. We were trying to work through what we had to do to address that issue. You wouldn’t think of that necessarily as something for the general counsel, but who’s in charge of kidnapping?”

By necessity the nature of Garver’s career has evolved into learning about different cultures. “I travel to try to understand the cultures, to understand the legal systems, whether the rule of law even exists in the countries in which we do business, whether in form or in substance. Learning about politics, ethics, and morals—which vary wildly, dramatically. Learning how different people value different things. I could probably tell you more about the laws of Peru or Tanzania and a half-dozen other countries, than I could about domestic legal issues. It’s part of the 21st century role of a general counsel in a public company.”

In 2006, Garver was chosen by a panel of leading corporate lawyers from throughout Canada as the *National Post ZSA*

Canadian General Counsel of the Year. He directs a global law department of approximately 24, according to a profile published in the *National Post ZSA*. He has forged strong relationships with top-ranked external counsel which has allowed him to marshal the resources needed to conduct campaigns on the scale of the hostile \$10.4 billion takeover of Placer Dome in 2005.

His colleagues hold him in the highest regard. "He doesn't dump and run," said Kent Thomson in the *Post* article, who is head of litigation at Davies Ward Phillips & Vineberg and has worked with Garver on several cases over the years. "He's involved in every step along the way." At Davies, Garver has the reputation of being a lawyer's lawyer. "He makes me a better lawyer because he's always three or four steps ahead of where you are," said Thomson. "He is one of the brightest, most capable, and hardest-working lawyers I've ever had the pleasure to work with. He has exceptionally high standards; he is devoted to fairness. Frankly, I admire him and respect him tremendously."

Within Barrick, Garver is known as a skilled communicator with a phenomenal memory and an uncanny eye for detail, according to Vince Borg, Barrick's senior vice president of corporate communications. "No matter what happens, he is 'Mr. Calm, Cool, and Collected,'" said Borg. "Pat is really valued for his sage counsel on any issue facing our business."

In Garver's judgment, the biggest problem the company faces is doing business in places where corruption is unchecked. "It's endemic around the world and getting worse, not better. There are too many countries where there is a different standard; too many people who are prepared to do business without transparency. We make it clear to our employees that there isn't any tolerance whatsoever for just going along, which puts us at a competitive disadvantage in some countries. It's getting harder to play by the rules just because there are so many states, state-sponsored businesses, and stateless people who have lots of money and almost no accountability when it comes to corruption laws."

Corporate social responsibility is the primary focus for Barrick, Garver emphasized. "The mining industry is not exactly the tobacco industry, but it's not warmly welcomed into a lot of communities. You need to develop a reputation that makes it easier to get a community, and a country, to accept you without fear and fighting. You can't impose some kind of template from Toronto because, culturally you'll just get it wrong every time. The local people won't be a party to the process; they should be running the process."

"If your whole premise is to be sustainable, and you want to have a workforce and a community that is supporting your project, as opposed to blockading the road or torching your trucks, then you can't skip the stuff on the front end of the process. You'll never get the community back on your side once it goes against you."

"It doesn't cost as much to do it right as people would

think. There's a good business case to be built around what we're doing; I'm convinced of that because of the success [we've had]. You take the highest standard that you apply anywhere in the world and you export it. It's good business to do that."

During his visit, Garver attended a reception with faculty and invited guests, conducted an open forum with students, and was the center of a roundtable lunch with Salt Lake City attorneys. He also hosted a brunch and discussion with the National Resources Law Forum, Global Think Tank students, the International Law Society, and had lunch with admitted candidates for the Class of 2011.

The University of Utah Recognizes Professor Keiter

by Marty Stolz

The University of Utah's Board of Trustees recently bestowed the honorary title of Distinguished Professor upon S.J. Quinney College of Law Professor Robert B. Keiter. The title recognizes Keiter's lifetime achievement in the field of natural resources and environmental law.

"I'm honored, in the midst of so many talented colleagues at the Quinney College of Law, to receive this recognition," Professor Keiter said, "and I'm looking forward to more productive years ahead."

Keiter is the Wallace Stegner Professor of Law, and he teaches natural resources law, constitutional law, and Federal courts at the College of Law. Keiter also serves as the director of the Wallace Stegner Center for Land, Resources, and the Environment at the S.J. Quinney College of Law.

He is currently writing a book about the national park system. His published books include: *Keeping Faith With Nature: Ecosystems, Democracy, and America's Public Lands* (2003); *Reclaiming the Native Home of Hope: Community, Ecology, and the West* (1998); *Visions of the Grand Staircase-Escalante: Examining Utah's Newest National Monument* (1998); *The Wyoming State Constitution: A Reference Guide* (1993); and *The Greater Yellowstone Ecosystem: Redefining America's Wilderness Heritage* (1991). He has also written numerous book chapters and journal articles on public lands and natural resource law, many addressing the topic of ecosystem management.



Keiter holds a J.D. degree with honors from Northwestern University and a B.A. with honors from Washington University. He has taught at the University of Wyoming, Boston College, and Southwestern University, and served as a Senior Fulbright Scholar at Tribhuvan University in Kathmandu, Nepal. His board service includes the National Parks Conservation Association, Rocky Mountain Mineral Law Foundation, Sonoran Institute, and the University of Wyoming's Ruckelshaus Institute of Environment and Natural Resources.

In his free time, Keiter enjoys snowshoeing and hiking with his Labrador Retrievers in the Wasatch Mountains.

Bob Keiter Receives Natural Resources Law Teaching Award

by Marty Stolz

The Rocky Mountain Mineral Law Foundation has named S.J. Quinney College of Law Professor Robert B. Keiter as a 2008 Clyde O. Martz Award recipient.

The award recognizes Keiter's "dedication to and excellence in teaching for fostering a broad understanding of natural resources law and the mentoring of law students," the foundation's board of trustees wrote in its resolution. The board added: "You have served the profession and the academic community well! Your teaching career has truly exemplified the spirit in which the Clyde O. Martz Award is made and we honor this level of dedication to your profession."

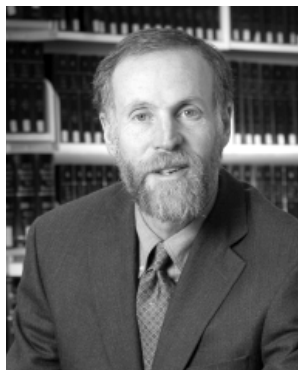
Keiter is the College of Law's Wallace Stegner Professor of Law, and he teaches natural resources law, constitutional law, and federal courts. Keiter also serves as the director of the Wallace Stegner Center for Land, Resources, and the Environment at the S.J. Quinney College of Law.

Excellence in teaching is the primary criterion for the Martz Award, the foundation's board said. They also consider a candidate's fostering of a broad understanding of the law, mentoring of students, and innovative teaching style.

Professor Keiter, who has served as a trustee of the Rocky Mountain Mineral Law Foundation's board since 1993, recently joined their executive board. In the past, Keiter has presented papers at board meetings and chaired the Natural Resources Law Teachers Committee and Institute.

Associate Dean Adler Honored for Water Work

The Utah Chapter of the American Water Resources Association (AWRA), which seeks to advance multidisciplinary water resources education, management and research, has honored Robert W. Adler, associate dean for academic affairs and the James I. Farr Chair in Law at the S.J. Quinney College of Law. Each year the Utah Chapter of AWRA



presents three awards to people who have made lifetime contributions to water issues and the water community at the state and national levels. The awards are given to individuals working in the government, the private sector, and academia.

Dean Adler, a prolific scholar on water law, published two books in 2007—

Environmental Law: A Conceptual and Pragmatic Approach and *Restoring Colorado River Ecosystems: A Troubled Sense of Immensity*. He regularly teaches courses in civil procedure and environmental law. He recently developed a new seminar on International Resource Conflicts, which deals with disputes between nations about natural resources such as water, oil and gas, fisheries, and wildlife, as well as global commons such as the oceans and the polar regions.

Dean Adler practiced environmental law for 15 years, after completing a B.A. from Johns Hopkins University and a J.D. with honors from Georgetown University Law Center. He enjoys the outdoors and running marathons, including the Wasatch Front 100-mile trail race in Utah's mountains.

Professor McLaughlin Receives Two Prestigious Appointments

by Lauren Heal



S.J. Quinney College of Law Professor Nancy A. McLaughlin was recently elected as a member of The American Law Institute and as an academic fellow of the American College of Trust and Estate Counsel.

The American Law Institute (ALI), which was founded in 1923, drafts and publishes Restatements of the Law, model codes, and legal studies to promote the clarification and simplification of the law and its better adaptation to social needs. Its members consist of judges, practicing lawyers, and legal scholars from all areas of the United States as well as some foreign countries. Members are selected on the basis of professional achievement and demonstrated interest in the improvement of the law.

The American College of Trust and Estate Counsel (ACTEC) is a professional association consisting of lawyers from throughout the United States who are selected on the basis of their professional reputations and contributions to the fields of trusts and estates. One of the central purposes of ACTEC is to study and improve the law and professional responsibility.

Professor McLaughlin's election to these prestigious organizations comes as no surprise to Dean Hiram Chodosh. "These extraordinary appointments express to the world what we have known for some time," he says. "Professor McLaughlin has become one of the very top scholars of her generation and the leading voice on critical issues arising from the increasing use of conservation easements to achieve environmental objectives."

Professor McLaughlin's scholarship focuses on conservation easements and nonprofit conservation organization governance issues, and she writes and lectures extensively on these issues (*most of her articles are available for download from her webpage on www.law.utah.edu*). In 2006-07 she was awarded research fellowships by the University of Utah and the Tanner Humanities Center in recognition of the quality of her scholarship and the uniqueness and importance of her work. And she has won two unsolicited writing awards: the 2005 American Agricultural Law Association's Professional Scholarship Award for "Rethinking the Perpetual Nature of Conservation Easements," published in the *Harvard Environmental Law Review*, and the 2004 Probate & Property Editors' Excellence in Writing Award for her article "Questionable Conservation Easement Donations," published in that journal.

Jamie Pleune Joins Georgetown Law's Institute for Public Representation

By John Blodgett

Jamie Pleune (Class of 2007) recently accepted a position with the esteemed Institute for Public Representation (IPR), a law clinic at Georgetown University Law School in Washington, DC.

"IPR focuses on cases in communications law, civil rights, and environmental law," says Jamie, who will be an environmental law fellow. "The job is a mix of teaching and mentoring students and performing public interest environmental law litigation," she explains. "I will be working on five active cases, and have three students assigned to work those cases with me. Most of what I will be doing is helping the students with their legal writing and facilitating meaningful experiences for them to understand what it is like to be a public interest attorney."



Jamie says she attended the S.J. Quinney College of Law to become a public interest environmental law attorney, and this position is her first opportunity to make that a reality. She is excited to live in Washington, DC and to work at Georgetown University. "It's an opportunity that I never imagined I would have," says Jamie. "I want to be a litigator, and this position will help me develop litigation skills quickly because I will be forced to learn and teach those skills at the same time."

While a student at the College of Law, Jamie was the note and comment editor for the *Utah Law Review*. She received the Khazeni and the Swenson Fellowships, which enabled her to intern at the San Francisco Bay Chapter of the Sierra Club during the summer of her second year. Upon graduation she received the College Award (given to the student with the third highest GPA in their class) and the Stephen Traynor Legal Writing Award.

"I had great mentors at the College of Law," says Jamie. "Bob Adler taught me a lot about advocacy and the challenge of selecting and presenting the best argument for an issue, as he prepared our team for the Pace Environmental Law Moot Court Competition. Bill Richards has consistently helped me improve my writing by teaching me to simplify arguments. Amy Wildermuth did a great job of teaching the basic conceptual building blocks of environmental and administrative law. One of my best friends from law school, Katie Lewis, continues to model the ability to keep things in perspective."

Jamie's husband, Ryan Pleune, is a teacher. He is working in Washington, DC as an environmental education outreach coordinator for the Alice Ferguson Foundation, helping teachers develop ways to bring their students outside as they learn about the environment.

Stegner Center Team Competes in Pace Moot Court

The Wallace Stegner Center's student team of Tara Harrison, Tyler Buswell, and Fred Donaldson represented the S.J. Quinney College of Law at the 2008 Pace National Environmental Moot Court Competition. The team performed well and Tyler Buswell was twice singled out as a runner-up for best oralist. The team was coached by Professor Amy Wildermuth and alumnus and former Moot Court team member Jamie Pleune. Professor Wildermuth offered, "The Pace Competition is always demanding but our team represented the University of Utah and the Stegner Center well. I have no doubt that this experience was invaluable to Tara, Tyler, and Fred. They all improved tremendously as advocates and gained a greater confidence in their abilities that will, no doubt serve them well in their future careers. I am so very proud of them."

The Stegner Center would not be able to send a student team to the Pace National Environmental Law Moot Court

Competition without the generous support of our donors: Holland & Hart, Warren Kotzmann, Jim Moore, Parr Waddoups Brown Gee & Loveless, Helen Serassio, and Mark (Rod) Smith. We also appreciate the practice judges who donated their time and expertise in judging our student practice rounds: Robert Adler, Cullen Battle, Jared Bennett, Lincoln Davies, Jim Holbrook, Rod Smith, Katie Lewis, Fred Nelson, and Jessica Peterson.

Stevan Baxter Receives Scholarships to Attend ALI-ABA Environmental Law Conference

by Benjamin Yrungaray



As the recipient of a scholarship from the Natural Resources Law Forum and the Stegner Center, Stevan Baxter (Class of 2008) had the unique opportunity of attending the annual ALI-ABA Environmental Law Conference in Washington, DC in March 2008. While there were many highlights from his trip, Stevan enjoyed talking with and meeting leading scholars in the field of natural resources and environmental law, an area of law he has actively pursued at the College of Law. “We have great professors at the S.J. Quinney College of Law and it was great to have my education supplemented for a few days by people who practice this stuff on a daily basis,” said Baxter.

The conference provided an opportunity to discuss familiar topics and expand his views with discussions on the Clean Air Act and the Clean Water Act, two areas of law he was unfamiliar with before the conference. While Stevan has been to Washington, DC several times, his nighttime tour of the monuments in the mall marked the perfect ending to a great trip.

Kim Connolly Visits College of Law as Young Scholar

by John Blodgett

Associate Professor Kim Connolly from the University of South Carolina School of Law joined the Wallace Stegner Center as a Stegner Center Young Scholar from October 20-21, 2008. The Young Scholars Program, which is made possible by the generous



support of the Cultural Vision Fund, is designed to recognize and establish a relationship with promising scholars early in their academic careers. Recipients are selected based on their accomplishments, the quality of their academic work, and their promise in the field of environmental and natural resources law and policy.

At the University of South Carolina School of Law, Kim specializes in natural resources and public land law with a particular interest in wetlands law and policy and other Clean Water Act matters. “I work a lot with laws that govern activities in water and wetlands, ecosystems that vary greatly depending on where you are in the world,” she explains. “The area of environmental and natural resource law is vibrant and exciting. It touches so many aspects of our lives and opportunities abound on many levels. Whether students are thinking about full-time careers in this area or merely considering how to connect this aspect to other plans for their future work, I believe it behooves every graduate to know a little about environmental and related laws.”

During her residency at the S.J. Quinney College of Law, Kim delivered two lectures. On October 20, she spoke at a downtown Continuing Legal Education (CLE) Brown Bag at Jones Waldo Holbrook & McDonough. Her talk addressed “Recent Developments in Compensatory Mitigation Requirements under the Clean Water Act.”

On October 21, at the College of Law, Kim delivered her Stegner Center Young Scholar Lecture: “The Empty Promises of United States Wetland Mitigation Policy.” This lecture discussed the concept of “compensatory mitigation” in the world of regulating wetlands. Both of her lectures are available on the Stegner Center website, and her Young Scholar lecture will be published in the student-edited *Journal of Land, Resources, & Environmental Law*.

The Stegner Center was delighted to welcome Kim as its fourth Young Scholar. While programs at other law schools recognize established scholars, the Stegner Center’s Young Scholar Program is unique in recognizing and supporting promising scholars at the beginning of their careers. Past Stegner Center Young Scholars include: Associate Professor Jamison Colburn, Western New England College School of Law; Associate Professor Reed Benson, University of Wyoming College of Law; and Associate Professor Amy Sinden, Temple University Beasley School of Law.

“I am deeply honored to have been invited to be the next in a series of stellar former young scholars,” says Kim. “The University of Utah College of Law and the Wallace Stegner Center are nationally known centers of environmental and natural resource scholarship and learning. The opportunity to travel to Utah and engage in an exchange with superb scholars has been both invigorating and a little daunting!”

Alan Weisman Speaks on *The World Without Us*

by Tim Severns



On September 30, 2008, Alan Weisman, *New York Times* bestselling author of *The World Without Us*, was hosted by the Wallace Stegner Center for a sold-out public lecture and book signing at Libby Gardner Hall on the University of Utah campus.

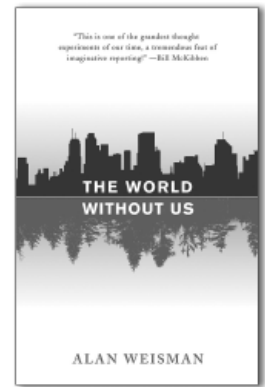
Weisman's critically acclaimed *The World Without*

Us asks the provocative question: what if the human race simply ceased to exist? "How would the rest of nature respond if it were suddenly relieved of the relentless pressures we heap on it?" Weisman asks. "How soon would, or could, the climate return to where it was before we fired up all our engines? Could nature ever obliterate all our traces?"

Although speculations about the end of the world are typically the domain of science fiction or fantasy, Weisman's book is a scientific exploration of a world without humans which shows us humanity's true impact on the environment in a wholly original way. "For a long time I've sought some fresh, non-threatening approach to disarm readers' apprehensions about environmental destruction long enough that they might consider the impacts of unbridled human activity on the rest of nature—and on our own fate," Weisman explains. "I've found that theoretically wiping humans off the face of the earth intrigues rather than frightens people."

Weisman consulted with experts in a wide variety of disciplines to learn how the earth would respond to humankind's extinction. His field research took him around the globe, including the Korean Demilitarized Zone; the last remnant of primeval European forest on the Polish-Belarusian border; U.S. national wildlife refuges in Colorado that were formerly nuclear and chemical weapons arsenals; ancient and modern ruins in Turkey and Northern Cyprus; Chernobyl, Russia; coral reefs in Micronesia's Line Islands; as well as Africa, the Amazon, the Arctic, and Mayan Guatemala. "To understand how a world without people might be requires learning what the world was like before people existed—which turns out to be different on every continent and island," Weisman says. "And then, of course, there is the fact that two-thirds of the world is covered with water. What would the seas be like without us? To get everything I needed, I have been privileged to speak to paleontologists, structural engineers, biologists, art conservators, diamond miners, marine biologists, astrophysicists, and even Buddhist monks, to name just a few."

Since its publication in 2007, *The World Without Us* has been an international phenomenon which has been translated into 30 languages to great critical acclaim. Author and environmental activist Bill McKibben described the book as "one of the grandest thought experiments of our time, a tremendous feat of imaginative reporting." Weisman's book was named Number One Nonfiction Book of 2007 by both *Entertainment Weekly* and *Time*. It spent 16 weeks on the *New York Times* Best Seller's list and was the most popular nonfiction audio book on iTunes last year. Weisman has appeared on television discussing his new book on *The Today Show* and *The Daily Show with Jon Stewart*.



In considering a world without humans, Weisman not only explores the recovery of wild lands, he also meticulously details the collapse of the man-made world. One of his early chapters chronicles a deteriorating New York City. "Within two days, without pumping, New York's subway would impassably flood," Weisman says. "Within twenty years, water-soaked steel columns that support the street above the East Side's 4-5-6 trains would corrode and buckle. As Lexington Avenue caves in, it becomes a river. In the first few years with no heat, pipes burst all over town. The freeze-thaw cycle moves indoors, and things start to seriously deteriorate. Plugged sewers, deluged tunnels and streets reverting to rivers, will conspire to waterlog foundations and destabilize their huge loads, toppling structures. Gradually the asphalt jungle will give way to a real one."

Although many of the locales explored by Weisman are far-flung and exotic, his book clearly resonates with Utahns interested in how the human race has impacted our environment. The Wallace Stegner Center sponsored the reading as part of its ongoing commitment to the multidisciplinary study of natural resources and environmental law and policy. Robert Keiter, Wallace Stegner Center director, explained, "The Stegner Center, with its focus on environmental issues, sees Alan Weisman's book as an important work in understanding the human relationship to the natural world. By asking what the world would look like without people, the book uncovers modern civilization's impact on the environment and suggests ways we might alter that impact and begin to restore a more durable planet."

Tim Wagner, director of the Smart Energy Campaign for the Utah Chapter of the Sierra Club said, "*The World Without Us* is both visionary and preemptive because it simultaneously demonstrates the power of the planet and its ecological fragility, while also helping the reader to realize simultaneously that humankind is a significant force in a blip of time. It's a captivating read."

Robert Adler

Professor Bob Adler published two articles this year furthering arguments he suggested in his 2007 book *Restoring Colorado River Ecosystems: A Troubled Sense of Immensity*, which was published by Island Press. One article is in the *Journal of Land, Resources, & Environmental Law* and urges reconsideration of the Colorado River Compact. The second is in the *Nevada Law Review* and argues for an ecosystem perspective on collaboration in the Colorado River Basin. He addresses freshwater resources in a forthcoming book by the Environmental Law Institute on sustainability policies in the United States (edited by John Dernbach). He also has two chapters in a forthcoming book entitled *The Urban Water Environment* (Springer-Verlag, Larry Baker, ed.) and a chapter on climate change and water law for a forthcoming compendium edited by Bill Rodgers.

Bob is now in his third year as associate dean for academic affairs but continues to teach in the environmental curriculum. He is also helping to organize a January 2009 symposium on environmental crimes for the *Utah Law Review*, in conjunction with the Stegner Center and the Utah Criminal Justice Center.

He completed the Wasatch Front 100 Endurance Race, a 100-mile trek through Utah's Wasatch Mountains, in early September. He also completed this race in 2005.

Lincoln Davies

Professor Lincoln Davies' article on assured supply laws (or laws that use water availability to control when and where construction may commence) was published in volume 34 of *Ecology Law Quarterly* Spring 2008. The article is entitled "Just a Big, 'Hot Fuss'? Assessing the Value of Connecting Suburban Sprawl, Land Use, and Water Rights Through Assured Supply Laws."

His most recent article, "Skull Valley Crossroads: Reconciling Native Sovereignty and the Federal Trust," will be published in volume 68 of the *Maryland Law Review* in Winter 2009. The article uses the Skull Valley Goshutes' proposal to store high-level nuclear waste on their reservation to assess the historical, theoretical, and practical disconnect between two of the most important pillars of American Indian law, tribal self-determination, and the federal trust responsibility.

Lincoln is also at work on three additional pieces: an article that evaluates the emerging trend of state renewable portfolio standards; an essay, which will appear in the *Journal of Land, Resources, & Environmental Law*, on the need to infuse concepts of sustainability into energy law; and an article, co-authored with Professor Wildermuth, on standing questions in appellate challenges to agency actions.

In May, Lincoln presented his work on assured water supply laws at the American Bar Association Section of

Faculty update

Environment, Energy, and Resources' conference on Eastern Water Resources, held in Charlotte, North Carolina. Also in May, he spoke on assured supply laws at a downtown CLE in Salt Lake City. He will address the topic again in November at the Tenth Annual Northeast Florida Environmental Summit in Jacksonville, Florida.

Leslie Francis

With Margaret P. Battin, Jay A. Jacobson, and Charles B. Smith, Professor Leslie Francis is publishing *The Patient as Victim and Vector: Bioethics and Infectious Disease* (Oxford University Press: 2009). PVV, as they call it, argues that the field of bioethics would have been remarkably different had contagious disease been at the center. The fundamental concepts of the field—individual agency, autonomy, the harm principle, and responsibility—failed to take into account human interconnectedness in a web of infectious disease. Although this is a volume on bioethics, it has significant implications for environmental health, for it develops a theoretical framework in which we all can be seen as having mutual interests in reducing the burden of infectious disease.

Leslie is a member of the National Committee on Vital and Health Statistics, the federal advisory committee dating back to 1949 that advises the Secretary of HHS about issues involved in the collection and maintenance of health data. She has been appointed co-chair of the Privacy and Security Subcommittee of NCVHS. She will be responsible for preparing reports to HHS about such issues as protecting privacy in the context of secondary uses of health data for surveillance purposes.

Robert Keiter

Professor Bob Keiter was recently recognized by the University of Utah Board of Trustees with an appointment as a University Distinguished Professor. In July, Bob received the Rocky Mountain Mineral Law Foundation's Clyde O. Martz Award in recognition of his outstanding teaching and other contributions in the field of natural resources law. As part of the activities surrounding the centennial of Wallace Stegner's birth, Bob is jointly teaching—with Stephen Trimble, a local author and photographer—a year-long undergraduate Honors College Think Tank class, "Wallace Stegner and Western Lands," that will examine public land issues involving Canyonlands National Park.

During the past year, Bob has completed several writing projects. His article "Breaking Faith with Nature: The Bush Administration and Public Land Policy," which serves as a sequel to his book *Keeping Faith with Nature* (2003), was recently published at 27 *Journal of Land, Resources, & Environmental Law* 195 (2007). He has three book chapters forthcoming: "A Glen Echo Passage" in *Law Touched Our Hearts: A Generation Remembers Brown v. Board of Education* (M. Robinson & R. Bonnie, eds.) (Vanderbilt University

Press, 2008); “Saving Special Places on the Public Domain,” in *The Evolution of Natural Resources Law and Policy* (S. Bates & L. McDonnell, eds.) (American Bar Assoc. 2009); and “Climate Change and Wildfire Policy,” in *Climate Change Reader* (W. Rodgers, Jr. & M. Robinson-Dorn, eds.) (Carolina Academic Press, 2009).

Bob is currently at work on a book about the national parks that will examine how the concept of a national park has evolved over the past century and suggest how national parks might be re-conceived as the system moves into its second century.

Bob continues to speak in a variety of forums on public land and natural resources law and policy. He delivered the keynote address, “Energy, Public Lands, and the Environment,” at the U.S. Environmental Protection Agency’s Regional Energy Summit in Midway, Utah. At the University of Montana College of Law’s Annual Public Land Law Review Conference, he addressed the topic of “Regionalism, Ecosystem Management, and the Public Lands,” promoting the importance of landscape scale planning and management to achieve meaningful sustainability. In August, he was invited to speak with an international panel at the Ecological Society of America’s Annual Meeting in Milwaukee, Wisconsin on the topic of “Ecosystems, Law, and Policy: Seeking a Greater Synthesis.” Other presentations include a keynote address before the Public Lands Foundation in Park City, Utah on “The Elusive Quest for Sustainability on the Public Lands,” and an address before the Idaho State Bar’s Environment and Natural Resources Section on “Glacier National Park and Its Neighbors: Lessons for Western Lands.” Bob also participated in a Washington, DC workshop, “Forests for Tomorrow: Addressing U.S. Policy Challenges,” sponsored by the National Commission on Science for Sustainable Forestry.

Bob was recently appointed to the Board of Directors for the Sonoran Institute. He continues board service with the Rocky Mountain Mineral Law Foundation, the University of Wyoming’s Ruckelshaus Institute of Environment and Natural Resources, the University of Utah’s Institute for Clean and Secure Energy, and the University of Montana’s Public Land and Resources Law Review Advisory Board. He chairs the ten-person steering committee that has planned a series of public events for the centennial of Wallace Stegner’s birth in early 2009.

William Lockhart

Professor William (Bill) Lockhart is initiating a new International Environmental Practicum course that will involve law students in providing assistance to counsel in other countries on specific issues arising in environmental litigation and advocacy, administrative proceedings or policy formation, and may include environmentally-related human rights issues. The practicum will operate in many respects as a clinical program, though (at this point) without oppor-

tunity for direct student representation in the foreign proceedings. Matters addressed by the practicum will initially focus on issues in India, because of Prof. Lockhart’s established relationships with NGOs in that country. The subject matter of specific cases will likely involve issues framed by both domestic Indian law and related international legal and regulatory requirements.

In addition to the practicum, Bill is nearing completion on a detailed analysis and critique of new regulations adopted by India’s Ministry of Environment and Forests governing environmental impact assessment and clearance of development projects in India. He recently completed a brief and reply brief to the Utah Supreme Court in a case challenging appraisals and policies applied by Utah State and Institutional Trust Lands Administration (SITLA) in conveying a section of state school trust lands within Capitol Reef National Park to a Utah county.

Nancy McLaughlin

Professor Nancy McLaughlin was granted a Chaired Professorship at the College of Law in the spring of 2008 in recognition of her excellence in teaching, scholarship, and service.

She recently published “Condemning Conservation Easements: Protecting the Public Interest and Investment in Conservation,” 41 U.C. Davis. L. Rev. 1897 (2008), and “Condemning Open Space: Making Way for National Interest Electric Transmission Corridors (or Not),” 26 Va. Evtl. L.J. 399 (2008). Her article “Setting the Record Straight With Regard to Perpetual Conservation Easements” was published this fall in the *Wyoming Law Review*, and she will publish a response to Professor Korngold’s article on conservation easements in the Lincoln Institute of Land Policy’s proceedings from its June 2008 conference on land policies and property rights. She is also working on a book entitled *In Perpetuity: The Future of Conservation Easements* with Oxford University Press. All of Prof. McLaughlin’s published works can be downloaded from her faculty webpage on www.law.utah.edu.

In the spring of 2008, Nancy presented on various topics relating to conservation easements at a variety of venues, including: the Lincoln Institute of Land Policy in Cambridge, Massachusetts; the American College of Trust and Estate Counsel’s Annual Meeting in Boca Raton, Florida; the University of Utah S.J. Quinney College of Law’s Faculty Workshop featuring Professor Gerald Korngold; and the Land Trust Alliance’s Southwest Conference in Park City, Utah. She participated in a roundtable discussion on balancing private initiatives and regulatory measures at Georgetown University Law Center’s Environmental Law & Policy Institute. She was also quoted in a story on National Public Radio about the controversial termination of a perpetual conservation easement by Johnson County, Wyoming (*the story can be heard online at www.shifting-ground.com, click on “stories,” and then select “conservation easements”*).

During the 2008-09 academic year Nancy will present on various topics relating to conservation easements at the following venues: the Idaho State Bar Annual Meeting in Sun Valley, Idaho; the Land Trust Alliance National Conference in Pittsburgh, Pennsylvania, where she will present on condemnation of conservation easements with two S.J. Quinney law students from her Private Land Conservation course; Florida State University; the American College of Trust and Estate Counsel's Annual Meeting in Rancho Mirage, California; and the 30th Annual Advanced Estate Planning and Administration Seminar in Hot Springs, Virginia.

Nancy will participate in the American Law Institute's drafting and discussion meetings for the Restatement (Third) of Trusts and Principles of Nonprofit Governance projects.

Arnold Reitze

Professor Arnold Reitze joined the faculty at the S.J. Quinney College of Law in January 2008. He has taught a new course in climate change, and plans to develop a program focused on that issue. In April, he spoke at the Rocky Mountain Mineral Foundation on the topic "Can the Clean Air Act be Effectively Used to Address Climate Change?"

In May 2008, he formally retired from the George Washington University Law School where he has directed

their environmental law program for thirty-eight years. He was given the status of J.B. and Maurice Shapiro Professor Emeritus of Law.

Debora Thredy

Professor Debora Thredy has published an article in the *Journal of Land, Resources, & Environmental Law* dealing with a dispute under the Native American Graves Protection and Repatriation Act (NAGPRA) involving a national park in Utah. The dispute was over three remarkable bison shields, dating from approximately 1500 A.D., that had been in the possession of Capitol Reef National Park since the early 1960s. After the passage of NAGPRA, several different Native American tribes claimed the right to repatriate the shields as a sacred object or object of cultural patrimony. In a controversial decision, the shields were ultimately repatriated to the Navajo tribe, primarily on the basis of oral history.

In her article, Debora carefully analyzes the controversy, focusing on the disconnect between legal and anthropological standards of proof and the role of oral history as evidence. In September 2008, Debora participated in a panel discussion concerning the shields as part of the 56th Annual Utah State History Conference.

Chevron Receives Corporate Leadership Award

The S.J. Quinney College of Law recognized Chevron in Spring 2008 with their Corporate Leadership Award, in honor of Chevron's generous financial support of the Wallace Stegner Center. For the past six years, Chevron has provided financial support for the Stegner Center's annual symposium and lecture series, making it possible for the Stegner Center to bring in nationally recognized speakers to address the most crucial environmental issues of our time. Chevron has been widely acknowledged in the local community for their generosity to various nonprofit organizations.

Dan Johnson accepted the award on behalf of Chevron. Dan is the manager of government and public affairs for Chevron in the Rocky Mountain state region and is responsible for allocating Chevron donations to regional nonprofit organizations. As an avid student of Utah and Western history, Dan has taken a personal interest in the Stegner



Dan Johnson receives award on behalf of Chevron from Wallace Stegner Center Director Bob Keiter.

Center. Dan is a Wallace Stegner fan with a deep appreciation for Stegner's literary talent and vision of the West. Dan has also been a moving force in program planning for 2009's campus-wide celebration of the centennial of Stegner's birth. He is providing insight and financial support for the 2009 Stegner Center symposium on Wallace Stegner's life and legacy, as well as other programs including a KUED-TV documentary and the Stegner Research Fellows.

In presenting the award, Wallace Stegner Professor of Law and Stegner Center Director Bob Keiter, said "Chevron's generous donations have made it possible for the Stegner Center to attract nationally prominent speakers and to offer in-depth programs on alternative energy, the Colorado River, global climate change, and other critical environmental issues of our day."

India's Environmental Challenge: Intensifying Environmental Degradation Accompanying Expanding Industrial and Resource Development



by William Lockhart

The excerpts below, from Professor Lockhart's pending article on India's environmental impact assessment process, reflect both his Fulbright-sponsored research and investigation in India in 2000 and 2004 and his continuing engagement with the subject. Although the article has been complicated by major recent revisions of the governing regulations (now the subject of a second article near completion), he advises that the concerns discussed below remain central to effective environmental reform in India.

With a population increasing from 1 billion, India's management of resource, industrial and economic development, and of their environmental consequences, is central to its ability to provide for its people and meet the political challenge of remaining the world's largest, truly democratic state. Yet India's rush to emulate Western models of development, and the disposition of its leaders to see economic and social progress in massive and aggressive development schemes, have exacted a high price.

Beginning with Jawaharal Neru's paeon to a huge dam project as a "New Temple of Resurgent India," that country's development path exaggerates even the excesses of U.S. dam building. Massive social and environmental damage is rationalized on the ground of economic necessity. Most prominent is undoubtedly the insistence of the central and state governments on proceeding with the 30 large dams and 135 medium dams of the Narmada River project in the State of Gujarat. One of the largest dams of this project, the Sardar Sarovar, is estimated to displace more than 200,000 rural villagers in more than 245 villages.

The social and environmental damage from such massive projects is magnified by the multitude of mining, power, industrial, chemical and other environmentally damaging development projects that have been approved as India has tilted heavily toward a "liberalized" economy. A large array of major infrastructure projects were contemplated by India's 2006-2007 budget, which projected a 10 percent growth target and included five huge power projects, the release of 20 billion tons of coal reserves for thermal power projects, completion of an ambitious highway project connecting far-flung parts of India with New Delhi, 1,300 kilometers of "access-controlled" highways linking key cities, expansion of refineries and pipelines, and promotion of expanded export production in the textiles, automobile, leather and food processing industries, as well as further support for ports, railway stations, and airports.

The United Nations Environment Program report, "State of the Environment, India, 2001," and many other analyses make clear that India's recent rapid industrialization, together with huge population pressures, are generating multiple and cumulative environmental challenges that demand effective control. Similarly, a careful report by a "High Powered Committee On Management Of Hazardous Wastes," established by India's Supreme Court to

assess the condition, impacts and control of hazardous wastes, described conditions as "grim:"

[P]ollution of air, water and land by the noxious gases, toxic chemical effluents, infectious biomedical wastes and other hazardous substances poses a grave threat to the health of large sections of the population and to the workers in the work place who, in addition, are exposed, often unprotected, to hazardous substances....

[I]ndiscriminate contamination of rivers and of ground water has led to a deterioration of the quality of water resources and to an acute shortage of safe drinking water for millions of people in several parts of the country. "[G]rave damage has been done, and continues to be done, to the environment and to the ground water resources...."

Attributing much of the damage to "indiscriminate and reckless growth of industries" and the ineffectiveness of India's existing regulatory mechanisms, the Committee commented that the responsible body—India's Ministry of Environment and Forests (MoEF)

was meant to be a scientific department. However, ...it has become an administrative Ministry, following the patterns and practices of the rest of the Government of India. I am deeply sorry that today it has very little impact on the environmental situation in the country. It has neither provided...leadership or vision, nor...high scientific capabilities....

Industrial expansion is inevitably accelerating under India's "liberalized" investment and development policies, further stimulated by public and private international financing. Only if the environmental consequences of these burgeoning industrial and development ventures are fully evaluated and addressed at their inception can India hope to minimize further severe environmental degradation as it pursues its development aspirations.

A Difficult Context For Regulatory Effectiveness—Or Reform

Reform in the content and application of India's environmental impact assessment (EIA) regulations is obviously essential. But

serious systemic problems handicap regulatory effectiveness, and unless addressed, will compromise any reforms. Most troubling are the improper influences and pressure brought to bear on decision makers, facilitated by weaknesses in the regulatory framework that heighten the vulnerability of the EIA process.

Corruption plays a cloaked but troubling role, provoking the Indian Supreme Court, in a recent EIA-related case, to observe that “[l]ocal political leaders anchor the whole operation acting as the conduit for the huge bribes fueling the well oiled network.” Apart from corruption, however, a careful report to the Asian Development Bank emphasized that enforcement of regulatory compliance is

inhibited by the politicization of the enforcement process; pressures emanating from powerful interests and political lobbies pose serious hurdles in enforcing laws. There is, consequently, the need to devise ways to insulate the enforcement agencies from political pressures.

Compromised judgments resulting from political pressure are reported by persons appointed to the committees of experts that ordinarily review EIA applications. A former member of the “River Valleys expert committee,” subsequently a member of the “industries” expert committee, complained:

[F]oreign consultants, environmental management consultants, they are all in line every day with their project proposals, do presentations, wait for the committee members who are always being pushed and pressured and cajoled by other different situations saying the minister wants this cleared, this has to be done.... Ahh, a nightmare....

So you have a whole situation of pressure on you.... We clear you on [various] mandatory conditions.... five regional offices across India have ten staff to enforce [the conditions].... The poor regional officers have tried by [but] nobody cares. Because the minute they try to enforce something there’ll be a phone call from another minister or big business man saying No No No No No.... The project proponent is sending up couriers, they’re phone calling us; someone says the managing director wants to see you someday in the evening at your house. The bell will ring and some environmental consultant is there.... In one case, I produced my report [and] in five hours after I gave my report to the ministry I had the miner, a man from the [company] in my home... [M]y letter and details were leaked out in five hours from being handed to the ministry.

Another former member of the River Valley Projects expert committee complained that “even solid environmental assessments and planning can be undermined by political forces,” asserting that the Narmada Valley dam projects were approved, despite unfavorable environmental reviews, because “powerful chief ministers of the concerned states were able to pressurise the then Prime Minister to accord clearance.”

Doubt about MoEF’s capacity or political will to enforce EIA regulatory requirements is also raised by its grant of three successive extensions of the deadline for compliance by industrial units whose projects were initiated after EIA regulatory requirements

became effective. Despite MoEF’s repeated assurances of enforcement, the Supreme Court ultimately had to order that numerous industries in 13 Indian states be shut down for failure to seek or complete environmental clearance.

Experience in other environmental programs suggests the pervasiveness of political interference. Consider the following candid explanation for states’ failure to comply with Supreme Court orders requiring removal of encroachments in forests and national parks. As explained by the judicially created “Central Empowered Committee” established to oversee compliance, encroachments and extremely slow compliance continued because

Influential persons with political affiliations not only promote encroachments but also abet in the entire process. Encroachment eviction...leads to [politically motivated] backlash which hampers eviction...coupled with the tendency of most of the official[s] to follow the path of the least resistance.... The officers initiating [eviction from] encroachment earn the wrath of their political masters and suffer harassment, humiliation, threats and transfers.

Reform of the EIA framework could not deflect all political intervention. Yet its effect may be diminished if EIAs had to meet more explicit and impact-pertinent standards. Specific directives regarding the full range of impacts and the project alternatives that must be addressed, and the adequacy of information and analysis to be supplied, would tend to narrow the targets for political pressure. Explicit standards would aid and support administrators’ regulatory decisions, encourage adherence to underlying policy goals, promote greater consistency, and provide a foundation for effective judicial review.

Lacking such standards, the current Indian EIA system virtually invites inadequate, compromised and inconsistent assessments. Officials assessing projects depend heavily on information and analyses supplied by EIA consultants employed by project proponents. The independence and effectiveness of the “expert committees” that review the project EIAs are weakened by their dependence on proponents for adequate data development, by the lack of any specified government obligation to ensure the adequacy of available information, by the lack of authoritative standards for analysis, and by MoEF’s authority over appointments to the committees.

Critics—including some members of the expert committees—suggest that committee members tend to be readily compliant. A recent member of the Thermal Expert Committee, reflecting on approval of a project “steamrolled” by the committee chair, offered a searing explanation:

You have to be there to appreciate the depths to which people can fall, just to stay on such Committees. The Member Secretaries are probably flooded with “goodies” by project proponents. The Chairmen, mostly retired types, sell their souls for the privilege of keeping a car, being met at the airport, and being given free air tickets and hospitality to visit the exotic places they conspire to ruin.

In other circumstances, these and other problems of execution as well as design might still permit a tolerable level of protection. Environmental degradation in India, however, is proceeding at a pace and with consequences that demand higher standards.

Faculty profile



Bill Lockhart

by Marty Stolz

William J. Lockhart, inevitably known among earlier students as “Wild Bill,” spent his pre-adolescent childhood exploring nature in his hometown of Los Altos, California, then a rural outpost on the southern end of the San Francisco Peninsula.

“I spent untold hours exploring the wild environs of Adobe Creek that now flows through back yards and under El Camino Real, among other insults,” he says. “But then it was idyllic woodland, and of course, whenever I was not in the woods, I was preparing lawsuits for their defense.”

Lockhart’s humor aside, he has indeed spent a lifetime advocating for civil rights and the protection of public lands, especially in the National Park System. He sees his life’s work as reflecting the values of the Constitution that should guide the demands of everyday life, though these values are too frequently challenged and “too often honored in the breach.”

Since 1964, Professor Lockhart has taught administrative and constitutional law, and the jurisdiction of federal courts, along with a wide array of environmental, seminar and field-based courses, at the University of Utah S.J. Quinney College of Law, sharing his values with generations of Utah lawyers in his classes.

Lockhart also challenges students to confront both the legal conundrums and the values at stake in extensive pro bono civil rights and environmental litigation. A current case in the Utah Supreme Court is typical, challenging a transfer of state school trust land within Capitol Reef National Park to a local county. Moreover, his current coursework, an International Environmental Practicum, involves teaming with students and with lawyers in India to assist them in litigation applying the requirements of that nation’s new legal framework for environmental impact assessments and related environmental justice issues.

Lockhart’s classroom and casework, he says, fit in with what he sees as a lawyer’s duty and the nation’s two century-long commitment to fulfilling the promise of the Constitution.

Professor Robert Keiter, a friend and colleague at the College of Law and neighbor in Emigration Canyon, has known Lockhart for more than two decades.

“Bill’s career at the law school epitomizes the engaged law professor committed to teaching, research, and public service,” Keiter says. “Bill has not only taught an array of classes, created unique student clinical opportunities, and produced cutting edge legal scholarship, but he has selflessly defended our national parks and civil liberties, all with quiet determination and commitment to the rule of law.”

Idle Youth and Idols

Lockhart’s appreciation for nature and the law grew as he did. At the age of 13, the family moved from California to Robbinsdale, Minnesota, a working-class suburb of

Minneapolis. They lived across from Crystal Lake, which Lockhart remembers as another place to “misspend my time—fishing when the ice was out and hockey when the rink maintenance trucks could drive on the ice.”

Lockhart’s commitment to protection of the natural world had deeper roots, however. His family spent summers at the Boundary Waters Canoe Area Wilderness, a remote lake region in northern Minnesota with loons, bears, wolves, and beavers. He credits his exposure to its quilt of lakes, rivers, and wildlands with “imprinting the instincts for wilderness exploration and wildlife observation.”

Trips into the backcountry of that two million-plus acres of lakes, rivers, and islands that make up Boundary Waters and Canada’s contiguous Quetico Provincial Park, even today, are not encouraged without a reliable map and compass. Lockhart jokes that he survived his youthful demonstrations of heedless masculinity: “carrying canoe and pack across long portages, running rapids, braving thunderstorms in the canoe.”

“This, with occasional predatory behavior, may have been compromising my karma,” he says. “But I was truly inhaling and loving the richness and diversity of that landscape and bioscape.”

Lockhart’s grandfather, the Reverend William J. Lockhart, had been a fire-and-brimstone preacher on the tent revival circuit of the 1920s and 1930s, and Lockhart’s father often accompanied the Reverend as a young adult. But through his childhood, Lockhart observed the gradual transformation of his grandfather, from rigid views about good and evil to greater fluidity, focusing on fundamental values. He sees that as the foundation of the moral imperatives of humanity and the Constitution that were imprinted in him, drawn from the similar commitment that his father, William B., a law professor and dean at the University of Minnesota, drew from that background and brought to the legal and teaching profession.

A muted and liberalized version of that revivalist religious tradition permeated Lockhart’s childhood home; and that tradition still infuses his inflections and reflections, even as he takes an almost scientific approach to legal thought: precise, rigorous, and empirical. Lockhart himself long ago abandoned the formalities of religion, he says, but essential principles of his forebear’s values are a part of his daily life as a scholar and lawyer.

Lockhart offers observations as a series of contending motifs—primal adventure in nature and ingrained appreciation for it; or maintaining deep faith in the Constitution while eschewing religion. But it was always the interaction or collisions of values that tested and refined his beliefs.

“I repeatedly see the values preached in the Sermon on the Mount reflected in principles more formally embedded

in our Constitution,” he says. That comes down to a “basic respect for the individual, for individual belief and individual sensibilities; equality of opportunity and treatment without regard to irrelevant characteristics, including as far as possible, wealth; the opportunity for unimpeded free expression; the option to challenge perceived error in the realm of ideas and advocacy; and the affirmative obligation to exercise personal as well as institutional power in the larger public interest.”

“See the evangelist creeping out?”

A Tailored ‘Religion’

Lockhart, 75, absorbed the core values of his grandfather’s faith, which had sloughed off its condemnatory tone as the nation entered the modern civil rights era and Lockhart reached adulthood.

“By the time I was really paying attention,” he says, “my grandfather’s evangelism had been transformed, in both my father and grandfather, into a powerful insistence on the moral duties to love one another and be my brother’s keeper, with little regard for the litany of formalistic religious demands.”

In the period between the *Brown v. Board of Education* decision of 1954 and Lockhart’s commissioning in the Navy in 1955, “I repeatedly heard my Dad in public forums almost evangelically defending the [United States Supreme] Court,” which he recalls being under intense public attack, “and the essential moral imperative of that decision.”

Lockhart’s mother, Mary, held similar views, but her more subtle influences grew out of her generous capacity for empathy, he says, “for sensing and identifying with the internal struggles and concerns of others”—qualities he sees reflected in his sister, now a citizen of Denmark.

Life Away From Home

As an undergraduate, Lockhart experienced a melding of these values while absorbing the provocative and carefully reasoned lectures of Mulford Q. Sibley, the renowned pacifist and political scientist at the University of Minnesota. Sibley’s “masterful lectures, weaving ethical fundamentals with political concepts, struck the cords already implanted by my father and grandfather.”

After receiving his bachelor’s degree, cum laude, from the University of Minnesota, Lockhart—“a draft dodger in NROTC clothes”—was commissioned in the Navy. He served for three years, including two as the supply officer on a destroyer in Asia as the Korean War was winding down. His own budding pacifism had incongruous awakenings, as he would read aloud Henry David Thoreau’s *Civil Disobedience* to an anti-aircraft gun mount crew through “long and mostly tedious drills.”

Lockhart’s first legal assignment came in the Navy when he was assigned to defend—not as a trained lawyer—a sailor whose confession to an accusation of petty theft “had been beaten out of him.” And his sense of injustice was further honed when, as a supply officer, Lockhart watched a Taiwanese vegetable merchant, with whom he had negotiated a fair contract, hauled off to jail for bypassing

the customary bribes exacted by Chinese Nationalist Harbor Masters as the price for suppliers’ harbor access for resupply of U.S. Navy ships.

After Navy life, Lockhart embraced nature again, working briefly before law school for the U.S. Forest Service in Minnesota’s Superior National Forest.

The seeds of his young life—an unbreakable relationship to nature, empathy for and nurture of others, and an unwavering sense of what’s right—flowered in law school. It was at the University of Minnesota that Lockhart’s values and impulses toward justice found a niche.

Lockhart’s interest in administrative law dates to his study and work under Professor Kenneth Culp Davis, one of the nation’s preeminent authorities on administrative law and a “founder” of this practice area.

The sway of Davis “dramatically influenced me,” Lockhart says. “His demand for precision in thinking about administrative law, and more importantly, his insistence on the importance of law as both a source of empowered discretion to do good, and as a crucial constraint on abuse of that discretion,” became guideposts for Lockhart’s own work.

Lockhart worked extensively with Davis on projects for the Administrative Conference of the United States, which from 1968 to 1981 was an independent federal agency with a mandate to study the administrative process and make recommendations to improve the fairness and effectiveness of federal administrative agencies.

In conducting an extensive study of the exercise of prosecutorial discretion in food and drug cases under Davis’s tutelage, “I was particularly struck by some federal prosecutors’ casual disregard for policy goals and for even-handedness,” he says, “rooted in the hubris of inadequately checked power.”

Lockhart worked as an associate at Gray, Plant, Moody and Anderson, a Minneapolis law firm, for four years before moving to Utah in 1964 to teach at the College of Law. He soon found his voice as a zealous advocate for the voiceless as well for the nation’s cultural and environmental heritage.

Utah—A New Home

As a law professor, freed of the constraints of private clients and billable hours, Lockhart embraced civil rights and environmental justice.

He eschews formal schools of legal philosophy, “though in general I certainly find resonant the demands of the critical studies movement for recognition of ‘non-legal’ psychic, economic and environmental influences on judicial and institutional choices,” he says.

Instead, Lockhart favors a practical and direct hands-on approach to shaping common law, statute writing, and administrative practice. As a teacher, he has continually sought to shape his courses to bring in the factual contexts and practical dynamics that drive specific cases and the development of legal doctrine.

Lockhart’s pragmatic liberalism opened the door to a unique opportunity in 1974 when he was appointed United States Attorney under an interim appointment by Judge Willis Ritter. Serving in that office for six months, he was

responsible for administering President Ford's Clemency Program for Vietnam draft evaders in Utah. He granted amnesty to all Utah evaders, supported by a careful memorandum to the Justice Department emphasizing the severe inconsistencies, vagueness and prejudicial delay inherent in prior prosecution policies in those cases. (See his article "Discretionary Clemency: Mercy At The Prosecutors' Option," 1976 *Utah Law Review* 55.)

His pro bono clients have included a past president of Utah's branch of the NAACP, the president of the Utah State Senate, a schoolteacher named by the House Un-American Activities Committee as a communist, the Sierra Club, the Southern Utah Wilderness Alliance, and the Jackson Hole Alliance for Responsible Planning. His work has ranged from public policy to litigating administrative findings of fact and law.

The NAACP Salt Lake Branch recognized Lockhart for Outstanding Civil Rights Work in 1968 and 1969, as did the Southern Utah Wilderness Alliance for environmental advocacy in 1989. In 1998, he received the Distinguished Service Award from the Energy, Natural Resources, and Environmental Law Section of the Utah State Bar Association.

Though too numerous and complex to account here, a few of Lockhart's cases include:

- A U.S. District Court challenge to the MX Missile program, representing the then president of the Utah Senate (and later gubernatorial candidate) Karl Snow, as well as legislators from Nevada and Wyoming.
- A U.S. District Court challenge to Utah's adoption of a resolution ratifying a constitutional amendment to overturn the U.S. Supreme Court's "one man, one vote" decision in *Reynolds v. Sims*.
- Defending Chief Judge Willis W. Ritter, U.S. District Court for Utah, before the Tenth Circuit Court of Appeals for ethics charges arising in part from Ritter's refusal to bring draft evasion charges on for trial during the Vietnam War.
- Representing the Environmental Defense Fund and other environmental NGOs in U.S. District Court, successfully defending a decision by Interior Secretary Stewart Udall that had declared an area near Bryce Canyon National Park as "unsuitable for surface coal mining."
- Representing the National Parks & Conservation Association (NPCA) and others in challenging the plan to situate a repository for high level radioactive waste in the Canyonlands Basin, adjacent to Canyonlands National Park.
- Representing NPCA in the Tenth Circuit Court of Appeals in successfully challenging a decision by the Federal Aviation Administration and the Bureau of Land Management approving an airport close by Glen Canyon Recreation Area.
- In *Bonham v. Morgan*, Lockhart represented the National Parks and Conservation Association, as amicus,

before the Utah Supreme Court, with primary brief and oral argument. The court adopted Lockhart's position, that state officials be required to adopt a "public interest" standard in adjudicating applications to permanently change water uses. 788 P.2d 497 (Utah 1989).

- Representing conservation groups in a series of cases challenging the Bureau of Land Management, Garfield County, and other state agencies in their efforts to pave the "Burr Trail" that transects the southern primitive part of Capitol Reef National Park, including intervention in a federal action for criminal trespass against the County for carving off the edge of a hill to aid its unauthorized road work.
- Representing conservation groups in Colorado and Utah in a successful challenge before the Department of the Interior's Board of Land Appeals on the granting of oil and gas development permits within the historic setting of the Hovenweep National Monument. *Colorado Environmental Coalition, et al*, 108 IBLA 10.

The list could go on. The common beneficiary of his work, as he sees it, has been the public, which has seen legal and administrative doctrines modified, and decisions reversed or mitigated in revered places, such as Capitol Reef National Park, the Grand Staircase-Escalante National Monument, and Glen Canyon National Recreation Area.

These public lands and places represent "the few remaining slices of our natural and cultural heritage that formed, resonate with, and hopefully preserve the better qualities of our national character," Lockhart says. His passion for preservation, as well as much of his earlier activism, he shares with his wife, Terri Martin, a former regional director of the National Parks & Conservation Association and now a community dialogue facilitator. He credits her with sharpening his insight in recognizing that a "central problem in fulfilling the preservation mission is that each generation comes to our heritage assuming that conditions as they see it are the foundation point—the starting point from which compromises may go forward in the interest of material 'progress'—never recognizing the succession of previous compromises and their cumulative consequences."

Lockhart proudly shares his engagement with the land with his four children: Zoey 16, Ann (Santa Fe, historic restoration), William B. (Utah Law, pro bono matters), and Laura (Utah AG environment division, Yale Law).

International Reach

"Bill's early insights and vision were extremely helpful in conceiving the Stegner Center," Prof. Keiter says. "And he continues to help us broaden our programs and reach, particularly into the international arena over the past few years."

In 2000, Lockhart received the first of two Fulbright Research Scholar grants for the study of legal authorities governing protection of India's national parks, wildlife sanctuaries, and other protected areas. A follow-up grant for the study of India's environmental impact assessment program came in 2004. Lockhart has built on those relationships,

creating reciprocal opportunities, such as having Indian scholars speak at the College of Law, as well as having law school faculty present findings in India.

While he has shared a half-century of his legal experience in the United States, his encounters with the Indian legal system and environmental decision-making has continued Lockhart's own learning. And Lockhart continues to share his new knowledge base with College of Law students.

As poorer nations, such as India, rush with little environmental heed into an accelerating race for standing in the global marketplace, Lockhart has now undertaken to engage students in the nitty-gritty of Indian and other international litigation through his new International Environmental Practicum course. "It is not too much to hope," he says, "that the environmental mistakes we've made may provoke second thought in India and other developing nations if their legal system can provide the focus for reconsideration."

Life's Lessons

After decades of legal battles, Lockhart emphasizes his concern for fundamental problems that handicap better service of the public interest in environmental law and civil rights. These problems "basically reflect a kind of intellectual constipation and accompanying legal rigidity that insists on keeping old forms and practices that no longer—or never did—serve the public interest," he says.

"First, there is the obvious need to sever and reverse the rigid control that powerful financial interests and institutions exercise over the expression and realization of individual political and economic viewpoints and resulting policy making," he says. "For example, law students are victims of a kind of wage slavery called student loans, or similar financial blackmail, which demands that the victims, when they go into the legal market, abandon independent judgment about institutions and their policies in return for a safe and silent financial haven."

"The result is that policy-making on almost every level, and certainly environmental policy making, is shackled, timid and unresponsive to human and environmental imperatives.

"There is also a parallel need to acknowledge and reverse the growing breadth of unconstrained power available to and being exercised by transnational corporations whose pursuit of financial and resource advantage has already caused immense destruction of critical ecosystems, cultures and livelihoods," he says.

"Implicit in this is the need to offset the encompassing hubris of these outfits in assuming that the happiness and qualities of personal experience of villagers, rural people and urban wage slaves alike will be advanced by their participation as figures or mathematical integers in market economies that just happen also to be the corporate-controlled playing field."

"Finally, there is a critical need to measure 'growth' and 'success' in terms of personal qualities and experience, rather than material wealth, or even material comfort."

Lockhart takes heart in the prospect that he has influenced generations of lawyers in Utah and elsewhere.



TOP: Lockhart with wife, Terri Martin, and daughter, Zoey, visiting a small community near Sariska National Park, Rajasthan, India.

MIDDLE: Consulting with Rajendra Singh, a water conservation community organizer, near his ashram, Tarun Bharat Sangh, in Rajasthan, India. Currently Singh is a client of Indian attorneys working with Lockhart's new International Environmental Practicum.

BOTTOM: Women bringing in fodder for their camels at the Pushkar Camel Fair, Rajasthan, India.

Where Lockhart once had carried forth his legal endeavors with a touch of the swagger of his grandfather's evangelical preaching, his tone is now more judicious and philosophical, yet expressed no less forcefully than when he battled thunderstorms and rapids in canoes in northern Minnesota as a teenager.

Furthermore, Professor Keiter warns against underestimating Lockhart, who is midway in a phased retirement arrangement after more than four decades at the College of Law.

"Bill's knowledge of his beloved red rock country is amazing, as is his legendary stamina for hiking southern Utah's slot canyons and dry washes," Professor Keiter says. "He has been able to successfully blend his personal and professional passions into an amazing career and engaged life."

College of Law Hosts Indian Environmental Scholars

During the week of September 22-26, 2008, the S.J. Quinney College of Law and the Wallace Stegner Center hosted two environmental activists from India, Ritwick Dutta and Kanchi Kohli, who made presentations and engaged in discussions with students interested in a legal-clinical class. Their presentations (and the class) focused on the adequacy, effectiveness, and implementation of India's legal requirements governing environmental disputes arising out of the conflict between intensifying industrial and resource development, and the accompanying impacts on India's tribal and rural peoples, environmental quality, rich biodiversity, and diminishing wildlife habitat.



Ritwick Dutta is a Supreme Court advocate, and director and chief litigator in the three-person environmental litigation group "Legal Initiative for Forest and Environment" (LIFE) which was the primary source of work for the law school's new class—an International Environmental Practicum.

Mr. Dutta represents environmental claimants in many high profile environmental cases before India's Supreme Court and other courts. "Ritwick is unbelievably energetic and productive, litigating continuously on a wide range of major development related environmental issues," notes Utah Law Prof. Bill Lockhart.



Kanchi Kohli is an active organizer for the Indian environmental non-governmental organization Kalpavriksh which plays a major role in the public

dialogue on environmental, tribal, and biodiversity policy making in India. Kalpavriksh makes a conscientious effort to walk the difficult, important, and controversial line between advocacy for biodiversity and wildlife protection and advocacy for protection of the rights of tribal and rural peoples to retain their access to forests and forest products, including those in national parks and wildlife refuges.

Law School Hosts Environmental Leaders from the Middle East



The S.J. Quinney College of Law sponsored a public seminar, "Transboundary Environmental Management in the Middle East," with guests from Israel, Jordan, and Palestine on September 10, 2008. The program featured a series of panel discussions about the unique and cooperative experiences—in the face of overt hostility—of environmental leaders from the Middle East. The program was

jointly presented by the College of Law's Wallace Stegner Center for Land, Resources, and the Environment and the Israel-based Arava Institute for Environmental Studies, an accredited undergraduate and graduate academic program with a mission promoting cooperative solutions to regional environmental problems among Arabs and Jews.

"We are extremely excited about this program," said Associate Dean Robert Adler. "There are remarkable parallels between transboundary water, air and other environmental problems in the Middle East and in our region, and both sides can learn something from each others' experiences."

The Middle East panelists included Shmuel Brenner, faculty member at Arava Institute and former senior official of the Israeli Ministry of Environmental Protection; Clive Lipchin, faculty member at Arava Institute; Samer Talozi, associate professor of bio-environmental and irrigation engineering at Jordan University of Science and Technology; and Nader Al-Khateeb, director of the Water and Environmental Development Organization, based in Bethlehem in the Palestinian Territory.

Utah panelists included Cheryl Heying, director of the Utah Division of Air Quality; D. Craig Bell, executive director of the Western States Water Council, and Robert Keiter, professor of law and director of the Wallace Stegner Center for Land, Resources, and the Environment.

The panels were moderated by Jonathan Leo, environmental attorney and project manager at Science Application International Corp. in Pasadena, California.



Jim Allen: An O'Hara Fellow Becomes a Behind-the-Scene Leader for the Utah Mine Safety Commission

by Marty Stolz

On August 6, 2007, an underground coal mine in a remote red rock area of central Utah collapsed with earthquake-like force. Details of what happened at the Crandall Canyon Mine were at first sketchy, but news reports indicated that six miners were trapped inside.

Jim Allen, (Class of 2006) and a S.J. Quinney College of Law O'Hara Fellow, learned of the unfolding events, as millions of others did, through television news. He had a unique interest, though, because he had worked in the mining industry for 16 years before entering the College of Law. Moreover, as a state government lawyer, Allen had to consider the repercussions for his client agency, the Utah Division of Oil, Gas and Mining, a division of the Utah Department of Natural Resources.

"As an engineer, I knew instinctively that something had gone drastically wrong in the design of the mine," Allen says. "This was a design issue, not a day-to-day operation thing. This was not because someone had left some rags around or improper ventilation. It was a much bigger, more fundamental problem."

Deep-underground mines, such as those dug in Utah, with billions of tons of overburden bearing down from above, are designed to collapse, Allen says. "This remarkable explosion of stresses," he says, "is supposed to be orderly and in the way you anticipate," not the way events played out at the Crandall Canyon Mine.

Along with an ominous sense of an engineering failure, Allen also had plummeting expectations for the rescue efforts with each passing day. "From the start, I thought the chances of recovering those folks were very slim, and the news kept getting worse and worse."

The following month, despite his quiet disposition, Allen's prescience and unique expertise in metallurgical engineering, mining, and law would thrust him to the forefront of an effort to educate the public and public officials about Utah's mine safety laws and to propose changes, in the aftermath of one of the nation's most sensational mining disasters.

A Commission with a Challenge

Allen's twin assessments—about the mine's engineering flaws and the likely failure of a rescue—proved tragically correct. Just ten days after the first collapse, the mine's walls and floors imploded on rescuers, killing three and injuring

several others. All rescue work immediately ceased and the corpses of the six trapped miners remain entombed inside the Crandall Canyon Mine.

Within a year of the disaster, federal investigators concluded that engineering design flaws, among other human errors, had set in motion the near-inevitability of a collapse at Crandall Canyon.

But back in late August 2007, when those design flaws were suspected though not known, anger mounted over the nine deaths at Crandall Canyon Mine.

Governor Jon M. Huntsman, Jr. said he wanted to conduct a state-level review of coal mining safety standards and to know whether Utah could better protect miners through accident prevention and accident response. He announced the formation of a special commission to study the Crandall Canyon disaster and selected as its chairman College of Law Professor Scott Matheson, a former United States Attorney and a constitutional law scholar.

The stakes for the Utah Mine Safety Commission were high. The disaster had put Utah in the national spotlight and cast doubt on government oversight of mining operations. Robert E. Murray, the mine's bombastic owner, continued repeating his assertion that the August 6 collapse resulted from a natural earthquake, even though seismologists questioned that claim. Competing inquiries were being conducted by federal authorities and Congress.

Unlike the federal inquiries, though, Matheson's commission had little budget and no subpoena power. The commission's resources consisted of unpaid commission members and a handful of state employees pitching in when they could. Nevertheless, the governor, Utah legislators, national media and the public were looking to the commission for a quick yet comprehensive report, to be completed before the legislative session in January 2008.

"The clock was ticking," Matheson says. "We had time pressures that the other investigators did not have. I'm scrambling and thinking, 'How are we going to get this job done?'"

A Unique Set of Talents

Allen, an Assistant Attorney General, attended the commission meetings and public hearings as a job assignment from his boss at the Division of Oil, Gas and Mining. At the time, Allen was completing the second year of his placement with the Attorney General's Office as an O'Hara Fellow. The O'Hara Fellowship, a partnership between the College of Law and the Attorney General's Office, started when

Matheson was the law school dean and is awarded each year to a second-year law student. It consists of an optional summer position, scholarship money, and a two-year employment commitment upon graduation.

At commission hearings and meetings, Allen quietly demonstrated his mastery of the legal and engineering issues by offering insightful questions and answers. His knowledge and leadership skills caught Matheson's attention.

"Jim showed an early and significant interest in what the commission was doing," Matheson says. He had the "legal and engineering experience, demonstrated intellect, and the ability to work well with students. No one else fit all those criteria."

Allen and Matheson did not know one another well; Allen had never taken a class with Matheson. But Matheson soon sought help from Governor Huntsman and others for Allen to concentrate on the commission's work. "I felt Jim would be extremely helpful in bringing this whole thing together."

The main question for the commission was what Utah might do to enhance worker safety. However, in 1988, the Utah Legislature had ceded to federal authorities its state role in overseeing miner safety. Matheson sensed that Utah was at an extreme end of the regulatory spectrum, but he needed empirical evidence.

So Matheson assembled a team of law students from the school's Pro Bono Initiative to research various states' mine safety programs and related legal topics, and assigned Allen to coordinate their research. The resulting survey of 17 states is likely "the most comprehensive state-by-state comparison of mining practice and regulation in existence," says Philip Wormdahl (Class of 2009), one of 13 student participants.

From Engineering to Law

Allen received his bachelor's degree in 1983 in metallurgical engineering from the University of Utah, where he was a recipient of AMAX and Presidential scholarships and the Outstanding Senior Student Award.

His first post-college job, where he remained for more than a dozen years, was at the Salt Lake City office of the federal Bureau of Mines of the U.S. Department of the Interior. As a government engineer, Allen searched for sources of strategic metals, many used in weapons. He also worked as an investigator, researching the effects these metals had on the environment and how to remediate them.

Allen then moved to the private sector, taking a job at EIMCO, where for five years he headed research and development for the company's mining and mineral processing equipment projects.

After EIMCO was sold, the new owners ended research and development, and Allen decided the time was ripe to pursue his life-long aspiration—to study law. "I felt that I'd regret it if didn't give it a try, and this law school is more willing than most to support people who have different backgrounds, people who have really done interesting things."

Allen's work had taken him to cleanup sites around the nation, such as the Ashtabula River in Ohio and industrial

sites in Gary, Indiana. Decades of pollution to land and water make any response a challenge, "nothing is easy, and nothing is cheap."

As an engineer, "I had a great career and I did really interesting work," he says. "I think the two things I miss the most are the business travel and the big machines—there's something special about seeing something really, really big working."

Before starting law school in 2003, Allen had to consider his family's needs: Susan, his wife of 24 years, a librarian with The Salt Lake City Public Library, and their two children. (Both are now undergraduates at the University of Utah: Matt, 21, a computer science major, and Emily, 19, an English major.)

Allen's family supported his choice. "Becoming a lawyer was always 'the road not taken,'" he says. As far back as high school, Allen excelled at debate and had dreamed about practicing law. But as a youth who excelled at math and science, Allen felt guided toward engineering, his "automatic choice."

At the College of Law, Allen stood out among his classmates. In his second year, Allen was selected as the *Journal of Land, Resources, & Environmental Law's* Editor-in-Chief and received the O'Hara Fellowship. As an Assistant Attorney General, Allen has represented the Division of Water Rights, Wildlife Resources and State Parks, among other agencies. His legal experiences have involved administrative law matters, litigation, and transactional work. Once Allen's fellowship ends, he will be practicing natural resources law, including mining, at Snell & Wilmer in Salt Lake City.

A Legacy for the Commission and the O'Hara Fellowship

The fundamental question for the commission was whether the state would assume "any role at all" in regulating miner safety, Allen says, "and this is where the students' work came in. I cannot say enough about the value of having the students' research."

The findings soothed some commission members' skepticism about government regulation. In the end, the commission made 45 recommendations in its report, most of which were reached with unanimity, Matheson says.

Preparing the final report took place in late night stints over the Christmas and New Year's holidays. "Jim and I spent a lot of quality time together," Matheson laughs. "It was pretty intense."

The pair is now preparing a law review article about the Crandall Canyon Mine disaster and the state's role in mine safety regulation for a future edition of the *Journal of Land, Resources, & Environmental Law*.

According to Matheson, Allen's work with the Utah Mine Safety Commission is a legacy of the O'Hara Fellowship: "but for the O'Hara Fellowship, there may never have been a Jim Allen associated with this commission. This is an example of what this fellowship makes possible."

Patrick O'Hara Fellowship: Margaret Depaulis

by John Blodgett



Margaret (Megan) Depaulis is the recipient of the 2008 Patrick O'Hara Fellowship. A third-year student at the S.J. Quinney College of Law, Megan is serving as the current articles editor for the *Utah Law Review*. Prior to entering law school, Megan studied English Literature at the U, receiving a Bachelor of Arts

degree. After graduation, she served on an AmeriCorps team in Seattle and ran a community learning center until returning to Utah to study law.

As a student at the S.J. Quinney College of Law, Megan has been a recipient of the William H. Gibson Memorial Scholarship, the CALI award in Criminal Law, S.J. Quinney College of Law Merit Scholarship, and twice the Leary Scholar Award. She worked at Durham Jones & Pinegar the summer of '07 and for Stoel Rives the summer of '08.

"I'm mainly interested in litigation, natural resources, and environmental law, among other things," Margaret explains. "This scholarship provides a great opportunity to work at the Attorney General's office in the Division of Natural Resources for two years after graduation, so I'll get to practice in the area full-time for a while."



The Patrick O'Hara Honors Program was founded in memory of Patrick O'Hara, a 1982 graduate from the S.J. Quinney College of Law whose personal and professional life was dedicated to the sensible management of Utah's natural resources. The program

combines financial support with real world experience. Each spring, a second-year law student is selected to enter the program, beginning with a summer clerkship in the Natural Resources Division of the Utah Attorney General's Office. The O'Hara Fellow then receives a generous scholarship for their final year of law school. After graduation and passing the Utah bar exam, the Fellow begins a two-year, fully-paid attorney position in the Natural Resources Division.

Past O'Hara recipients include: Frederic Donaldson (2007), Kevin Bolander (2006), Jim Allen (2005), Keli Beard (2004), Jonathan Femming (2003), Scott Rosevear (2002), and Michael Steeves (2001). The O'Hara scholarship is made possible through the generosity of Patrick's family members, friends, and former classmates, as well as local law firms and the ENREL section of the Utah State Bar. The Utah Attorney General's office has generously supported the summer clerkship and attorney position.

Dewsnup Scholarship Recipient: Emily Lewis

by John Blodgett

Emily Lewis (Class of 2010) is the recipient of the 2008 Dewsnup Scholarship. With an interest in Natural Resource Law (specifically in the areas of water law, public land management, and oil, gas, and mining), Emily believes that conflicting demands placed upon these resources present relevant and very important legal questions for the future. "As public resources, I feel that it is important to have dedicated and conscientious legal advocates working towards finding balanced and sustainable solutions for their long-term use," she says.

Emily plans to use the scholarship to pay for her summer Con Law II class and then put the rest towards tuition. "I am most likely going to also put \$200 towards a ski pass," she adds with a smile. "I have to have some fun in school!"

Looking to the future, Emily can see herself working for a state government agency in the natural resources field. "I can also see myself working for an environmental advocacy group like Natural Resource Defense Council, Western Resource Advocates, or Earth Justice," she adds. "Though often on differing sides of the debate, I feel it is important to both work within the established legal system to push for more environmental protections, as well as challenge it from the outside."

Swenson Scholarship Recipients: Megan Anderson, Jason Groenewold

by John Blodgett

Megan Anderson (Class of 2009) and Jason Groenewold (Class of 2010) are recipients of the 2008 Swenson Scholarship. While employed in outdoor recreation, Megan developed an interest in environmental law. "Specifically, I have been doing a lot of research about conservation easements and the benefits and struggles of using these easements as a land protection tool," she explains. "As land continues to be developed, it will be important to ensure that conservation easements are used properly and effectively to preserve the remaining open space. I hope to incorporate some aspect of this research into my future law practice." She plans to use the scholarship to continue her conservation easement research and devote her time to JLREL and to the Pace Moot Court competition.

Jason's interests include sustainable development with an emphasis in natural resource protection through the development of environmentally-friendly renewable energy projects. "I also have an interest in how the law is used to shape policies for the purpose of environmental protection," he says. Someday he hopes to develop a large-scale renewable energy project in the Southwest. He says the scholarship will support his research in renewable energy and the various policy aspects in developing renewable energy resources.

Joseph Stultz Recipient of 2008 Robert Schmid Natural Resources Writing Award

by John Blodgett



Joseph Stultz (Class of 2008) won the 2008 Robert Schmid Natural Resources Writing Award for a paper he wrote about conservation easement enforcement.

“I believe that conservation easements are a useful tool to preserve land,” explains Joe. “I was stunned by certain instances where conservation easements were terminated because the easement holder failed to live up to their responsibility to defend the easement. That is why I chose to write about who could enforce a conservation easement, suggesting that courts should allow standing to parties outside of the easement to insure that the public interest is properly represented.”

Joe is joining the litigation department at Parsons Behle & Latimer. His interests include litigation matters involving natural resources and environmental issues.

The Robert Schmid Natural Resources Writing Award was established at the time of Professor Schmid’s retirement from the College of Law. Family, friends, and students contributed to the fund for the award, named in tribute to his teaching and scholarship in the natural resources field. The award is given to the law student who annually writes the most outstanding natural resources paper and carries with it a \$250 monetary prize.

Rob Dubuc Recipient of 2008 Stephen Traynor Writing Award

by John Blodgett



Rob Dubuc (Class of 2008) won the 2008 Stephen Traynor Legal Writing Award for a paper he wrote about the ongoing efforts to delist the Northern Rocky Mountain gray wolf. Reintroduced to Yellowstone National Park and central Idaho in 1995, the wolf population in the Northern Rocky Mountains

surpassed the targeted recovery levels in 2002. Since then, Montana, Wyoming, and Idaho have been applying increasing political and legal pressure to have the wolves removed from the endangered species list.

“The more I analyzed the situation,” Rob says, “the more it became apparent that the states, and especially Wyoming, were their own worst enemy in their effort to

have the wolves delisted. The law requires that the delisting process be based on science, but my analysis shows these decisions were being made based on politics and emotions. In the end, it’s going to take the courts to separate out the hyperbole from the real issues and push the process back where it belongs.”

Rob’s paper was written as a directed research project supervised by Professor Bob Keiter. Rob’s research was partially funded by the David Williams Memorial Fellowship, which he received in spring 2007. The Williams Fellowship competition (open to all U students) supports research on the public lands and was created in memory of former Stegner Center Fellow David Williams, who spent his career with the Bureau of Land Management promoting progressive resource management and planning policies.

The Stephen Traynor Writing Award is for the best paper of the academic year written by a law student. Nominations are made by faculty members and the paper is selected by an awards committee. The award carries a \$700 prize.

The Journal of Land, Resources, & Environmental Law

by Marty Stolz

The *Journal of Land, Resources, & Environmental Law* (JLREL), a student publication at the S.J. Quinney College of Law, publishes two issues a year. Now in their 29th year, JLREL is a key part of the law school’s overall environmental law program.

Participating in the Journal “allows students to step outside the confines of black letter law taught in other law school classes and think about the bigger picture of the law’s effect on people and places,” said Megan Anderson, editor-in-chief of the 2008-09 staff.

JLREL accepts article from authors around the country, including professors, lawyers, students, and professionals from related fields. JLREL frequently obtains articles from speakers at the annual Stegner Center symposia. “We look for environmental topics ranging from climate change to conservation easements,” Anderson says. “They should be timely and offer background information and significant analysis of the problem they present.”

The students involved with JLREL proof and edit the pieces for publication, which gives them “the opportunity to gain experience in academic legal writing by reading cutting-edge environmental articles,” she said.

Students also research, write, and submit their own academic articles called *Notes*. “It is rewarding to watch your article and all of your research put to use.”

JLREL’s faculty advisor is Professor Lincoln Davies. In addition to Editor-in-Chief Megan Anderson, the senior staff for 2008-09 include Ben Machlis, Stephanie Wilson, Andy Morgan, Ed Fornataro, Bentley Mitchell, Liana Gregory, Ben Harmon, Jan McCosh, Jennifer Bogart, and Clark Whisenant.



Alumni Student update

by John Blodgett

very rewarding,” says Sarah. “It has been a tremendous learning opportunity to study with such bright, well-rounded students and professors. It also doesn’t hurt that the law school is only 30 minutes from Snowbird!”

Sarah is the current treasurer for the Natural Resources Law Forum, a position she has held since 2007. She was the recipient of the William H. Gibson Memorial Scholarship in the fall of 2006. After

graduation, Sarah hopes to move to New England to work for a governmental agency or a small law practice.

Prior to law school, Sarah graduated from the University of Vermont in 2005 with a Bachelors of Science in wildlife biology. She moved west to work for the State of Utah’s Division of Wildlife as a wildlife technician.



Sarah has spent much of her life on horses, and competed in national competitions throughout elementary, middle, and high school. A varsity field hockey player in high school, she once had three front teeth knocked out in a game. For 12 years she has hit the slopes on her snowboard.

Sarah lives with a three-legged dog named Chicago, and a cat named Trey. She enjoys ornithology, wine, laughing, and hiking, but dislikes bananas. As a person with cystic fibrosis, Sarah enthusiastically supports medical research for cystic fibrosis.

Megan Anderson

For Megan Anderson (Class of 2009), the path to the College of Law included three years spent as a professional river guide, ski patroller, and ski instructor in Idaho and Wyoming. “I started law school in the fall of 2006,” says Anderson. “Though it was hard to leave the river, I feel like I am where I need to be. I am enjoying all aspects of the law and I think the University of Utah is providing a great legal education.”

As a student at the S.J. Quinney College of Law, Megan is the current editor-in-chief for the *Journal of Land, Resources, & Environmental Law*. She serves as Stegner Center liaison and secretary for the Natural Resources Law Forum (a rewarding experience, she says), and a member of the Pace Moot Court Team for 2008-09. She was the recipient of the Abrelia C. Hinckley Scholarship for Women in 2006, and the Swenson Natural Resources Fellowship in 2008. She is excited about being a legal writing teacher’s assistant for the 2008-09 school year.

Megan credits a “diverse and incredibly intelligent faculty” with helping to make the College of Law a special place. Moreover, she feels the writing program is “superb” and great for preparing students for the practice of law.

Megan received a Bachelor of Science in both political science and anthropology from the University of Utah. After graduation, and before her three years spent in the great outdoors, she worked as a research assistant for Professor Dan McCool at the U’s American West Center. There, Megan assisted Professor McCool with the background research for a book about dam removal across the West. This experience led her to the Glen Canyon Institute, where she became the development and outreach director.

In addition to spending much of her free time on the slopes and rivers of Utah, Megan spends time with fiancé Dasch and their dogs, Ruby and Tappan.

Sarah Heimbach

With an attorney for a father, Sarah Heimbach (Class of 2009) grew up convinced that the last thing she would ever be is a lawyer. Her perspective has since changed. “My experience at the College of Law has been challenging but

Ben Machlis

Ben Machlis (Class of 2009), managing editor of the *Journal of Land, Resources, & Environmental Law*, will travel to Pittsburgh in the fall with classmate Megan Anderson and Professor Nancy McLaughlin to present a seminar on conservation easements at the National Land Trust rally.

“My interest in conservation easements stems from their ability to effectively conserve land through private transactions by more successfully protecting the status of these transactions from state interference,” Ben explains.



Ben is a recipient of the CALI award in Environmental Law and is a former president of the Public Interest Law Student Organization. He also is a member of the 2009 National Environmental Law Moot Court team.

Prior to law school, Ben was a ski patroller at Alta. During this time he “slowly” worked his way through undergraduate courses at the University of Utah, where he received degrees in English and political science. He remains an avid skier, and when the snow disappears from the slopes he swaps his skis for a bike. Training his two pups to be bird hunters is one of his latest projects. “My dogs rule!” he says.

“I hope to continue working in the natural resources field,” says Ben. “My goal is to be happy—personally and professionally. “The right things work out if you don’t try to force life. Wow, I sound like a real hippie now!”

Kirk Robinson

Kirk Robinson (Class of 2004) is executive director of Western Wildlife Conservancy in Salt Lake City, an organization he co-founded in 1996. “I seek to protect wildlife native to the Intermountain West, especially carnivores, in whatever ways I can,” he says. “I work both on habitat preservation, and on hunting and trapping issues.” In addition, Kirk is on the steering committee of the Spine of the Continent Initiative, which he considers is “an ambitious attempt to realize the bold vision of healthy, connected wildlife habitat from the Sierra Madre in Mexico, up the Rocky Mountains and on to the Brooks Range in Alaska.” His particular focus is the Uintas-Yellowstone Connection, part of the Heart of the West, which encompasses parts of Utah, Idaho, Wyoming, and Colorado.

While a student at the S.J. Quinney College of Law in 2002, Kirk received the Swenson Fellowship in Natural Resources and was named a Leary Scholar. He also was projects coordinator for the Natural Resources Law Forum.

Kirk says he decided to get a law degree to better pursue his conservation interests, but also to have a “fall-back” career option. “I was delighted to discover that the S.J. Quinney College of Law has some very fine teachers,” he says. “My law degree, and especially my knowledge of environmental and natural resource law, allows me to take advantage of important opportunities. For example, it will equip me to influence policy and process as state and federal decision-makers implement the Western Governor’s Association’s Wildlife Corridors initiative and Renewable Energy Zones initiative.”



Since graduation from the S.J. Quinney College of Law, Kirk also has formed his own firm, LogosLaw, to practice law. “So far, this has consisted of an interesting variety of cases that just happened to come my way,” he said.

Kirk holds a Ph.D. in philosophy (University of Cincinnati, 1985) and taught philosophy at Montana State University, Weber State University, and the University of Utah for 15 years before enrolling in law school. He continues to enjoy engaging in philosophical discussions, and frequently explores the West with friend Diane and dog Biff. For fun and relaxation, he plays bluegrass on the acoustic guitar.

Kirk’s goals are many and varied. He would like to retain autonomy and variety in his life, and to use his education and talents to help protect native wildlife and its habitat. He seeks to be a good citizen, a decent person, and to maintain happy relationships with his family. Someday he’d like to write a “rigorous, but poetic work in philosophy,” perhaps on our proper place in Nature. “Fundamentally I am, and always will be, a philosopher seeking the good life.”

Elizabeth Schulte

Elizabeth Schulte (Class of 2005) has been an associate at Parsons Behle & Latimer since June 2007 in the Environmental, Natural Resources & Energy department. “I assist mining companies as they navigate the NEPA process,” she says. “I also work with some general land use planning issues; practice water law; and am involved in toxic tort litigation and enforcement actions which require researching a variety of environmental issues, general litigation matters, and drafting pleadings.” Elizabeth previously worked two years with Clyde Snow Sessions & Swenson, initially during her third year of law school and then following graduation.

While a student at the S.J. Quinney College of Law, Elizabeth was a recipient of the Dewsnup Fellowship and was on the staff at the *Journal of Land, Resources, & Environmental Law*, where she was editor-in-chief during her third year of law school.

“My academic experience at the S.J. Quinney College of Law was fantastic in every way,” says Elizabeth. “Not only did I earn my J.D. from a highly reputable school especially noted for the Stegner Center, but I also had the honor of learning from some of the very best



professors who are active in the field of environmental/natural resource law. Clearly, without my time and degree, I would not be where I am today.” She also notes that some of the greatest aspects of attending the College of Law were the class sizes, the diversity in curriculum, the opportunity to learn from some of the most reputable lawyers, as well as the chance to participate in the annual Wallace Stegner Center symposium.

Elizabeth graduated from Hobart & William Smith College in 1990 with a sociology degree. She then moved to Jackson, Wyoming, where she jokingly says she earned a second degree in the great outdoors. “I lived in Jackson for four years, doing a variety of jobs and spending a lot of time backcountry skiing, climbing, biking, river-running, and learning about the Rocky Mountains,” she said. “I eventually moved to Logan, Utah to pursue a Master’s in environmental sociology from Utah State University. My thesis examined how residents throughout rural Utah engaged in and utilized the surrounding public lands. During this time, I also became active in Search and Rescue which led to my eventual commitment to get and train my Search and Rescue dog, Moxie.”

After earning her Master’s degree, she worked for an environmental consulting firm in Logan for a year before leaving for Salt Lake City to pursue her dream of working for The Nature Conservancy. “For four years, I worked with The Conservancy as a fundraiser and learned more about this great state and its incredible resources, including its fair share of water issues. Ultimately, I found myself irresistibly drawn to the law to pursue a long-standing interest in environmental and natural resource law.”

Elizabeth hopes to someday publish and present a paper in the area of natural resource law, and may even join another bar to expand her practice. “One of my other goals is to find the right organization, ideally working with disadvantaged children, to help provide these kids with a better chance of shaping their future and the opportunity to realize their dreams,” she said.

Outside the office, Elizabeth frequently skis, bikes, and climbs. She also spends a lot of time with Moxie, now 10-years old. “My budding hobby is silversmithing, which is still in the nascent stages,” Elizabeth said.

Helen Serassio

Helen Serassio (Class of 2000) is senior attorney for the United States Department of Transportation’s General Counsel’s Office of Operations, a position she has held since November 2002. She is the lead attorney for environmental matters, and an advocate of the Department’s interests on interagency environmental and natural resources issues. Helen also founded and is chair of the Department’s Pro Bono Committee, the second largest pro bono legal program in the Federal government. She also provides legal advice and services to the Office of the Secretary’s



Essential Air Service Program and the Small Community Air Service Development Program.

One of the highlights of her positions has been assisting the Federal Highway Administration Chief Counsel’s Office to negotiate a funding agreement with the Standing Rock Indian Tribe under the Indian Reservations Roads Program—the first agreement of its kind. Other projects have included advising

the Pipeline and Hazardous Materials Safety Administration (PHMSA) on approaches to resolving ongoing Endangered Species Act issues with the U.S. Fish and Wildlife Service concerning PHMSA’s permit streamlining program for pipeline repairs; and advising the DOT Center for Climate Change & Environmental Forecasting on recent legal developments and how they affect the center and its mission.

For her efforts, among other honors, she is a recipient of the General Counsel’s Superior Achievement Award and of the Under Secretary of Transportation’s Teaming for Excellence Award, and she was nominated for the Department’s Lawrence Schneider Award, given to the most outstanding Department attorney from among those who have been admitted to the bar within the past ten years.

Prior to her present position, Helen worked in the General Counsel’s Office of Aviation. In this role she initiated and pursued an enforcement action against Northwest Airlines for violations of the Air Carrier Access Act relating to boarding and wheelchair assistance. At that time, it was the largest enforcement action the office had taken, and the settlement she helped to negotiate was the first of its kind and is used as a template for similar enforcement actions against other carriers.

While a student at the S.J. Quinney College of Law, Helen received a Certificate in Environmental and Natural Resources Law and was a recipient of the College of Law Outstanding Achievement Award in International Environmental Law and in Environmental Practice. She was a Leary Scholar, president of the Public Interest Law Organization, and president of the Native American Law Student Association.

“The excellent environmental law program at the College of Law provided me with the tools to be adept at my current job and helped make the learning curve less steep,” says Helen. “I also gained leadership skills while at the school that have been instrumental.”

Helen is an avid long-distance runner who enjoys all sorts of dancing (tango, waltz, swing, country, zydeco) with her husband. Someday she would like to help other countries address environmental concerns while establishing and maintaining their transportation infrastructure.

Stegner Center *calendar* Fall '08-Spring '09

▼ September 10, 2008

ARAVA INSTITUTE TRANS-BOUNDARY ENVIRONMENTAL MANAGEMENT IN THE MIDDLE EAST

2:30 pm–5:15 pm, Borchard Conference Room, S.J. Quinney College of Law

Robert Adler, James I. Farr Chair in Law, Professor of Law and Associate Dean for Academic Affairs, S.J. Quinney College of Law; **D. Craig Bell**, Executive Director, Western States Water Council; **Shmuel Brenner**, Faculty Member, Arava Institute; **Cheryl Heying**, Director, Utah Division of Air Quality; **Robert Keiter**, Professor of Law and Director, Wallace Stegner Center, S.J. Quinney College of Law; **Nader Al-Khateeb**, Director, Water and Environmental Development Organization and Palestinian Director, Friends of the Earth Middle East Palestinian Authority; **Jonathan Sebastian Leo**, Senior Environmental Attorney and Project Manager, Science Application International Corporation; **Clive Lipchin**, Director of Research, Arava Institute for Environmental Studies, Israel; **Samer Talozzi**, Associate Professor, Bioenvironmental and Irrigation Engineering Department, Jordan University of Science and Technology
2.5 CLE credits. Reception followed event.

▼ September 11, 2008

Green Bag ENVIRONMENTAL LAW, TRANSPORTATION AND THE FEDERAL GOVERNMENT

12:25–1:25 pm, Room 106
S.J. Quinney College of Law

Helen Serassio, Senior Attorney for the United States Department of Transportation's General Counsel's Office of Operations
1 hour CLE. Lunch provided.

▼ September 23, 2008

Green Bag DEVELOPMENT vs. PRESERVATION IN ANOTHER DIMENSION: INDIA'S ENVIRONMENTAL ACTIVISTS, ISSUES THEY FACE, AND TOOLS OF THEIR TRADE

12:20–1:20 pm, Room 107
S.J. Quinney College of Law

Ritwick Dutta, India Supreme Court Advocate and Kanchi Kohli, reporter
1 hour CLE. Lunch provided.

▼ September 30, 2008

THE WORLD WITHOUT US AUTHOR ALAN WEISMAN

7:00 pm Libby Gardner Concert Hall

Principal funding provided by the Cultural Vision Fund. Sponsors include the Utah Museum of Natural History, the Sierra Club, the College of Humanities, and The King's English Bookshop.

▼ October 8, 2008

College of Mines and Earth Sciences Distinguished Lecturer

A WARNING TO DRY LAND DWELLERS AND HOW TO AVOID THE WORST

12:20–1:20 pm, Sutherland Moot Courtroom, S.J. Quinney College of Law

Wally Broecker, Newberry Professor of Earth and Environmental Sciences at Columbia University

1 hour CLE and PE. Lunch provided.

▼ October 20, 2008

Downtown CLE RECENT DEVELOPMENTS IN COMPENSATORY MITIGATION REQUIREMENTS UNDER THE CLEAN WATER ACT

12:00–1:00 pm, Jones Waldo, 170 S. Main Street

Kim Connolly, Professor of Law, University of South Carolina School of Law

1 hour CLE. \$10 for lunch.

▼ October 21, 2008

Stegner Center Young Scholar Lecture

THE EMPTY PROMISES OF UNITED STATES WETLAND MITIGATION POLICY

12:20–1:20 pm, Room 106
S.J. Quinney College of Law

Kim Connolly, Professor of Law, University of South Carolina School of Law
1 hour CLE. Lunch provided. Funding provided by the Cultural Vision Fund.

▼ October 28, 2008

HIGH TECH TRASH: THE AFTERLIFE OF YOUR COMPUTER IN ASIA AND AFRICA

7:00 pm, The City Library Auditorium
210 E. 400 S. Salt Lake City

Erika George, Professor of Law, S.J. Quinney College of Law; **Scott D. McCoy**, Senator, District 2, Utah State

Senate; **Mike Wright**, President, Guaranteed Recycling Xperts; **Sarah Westervelt**, e-Waste Project Coordinator, Basel Action Network

2 hours CLE. Principal Funding provided by the Cultural Vision Fund. Sponsors include The City Library and the Salt Lake City Film Center.

▼ November 4, 2008

Green Bag THE TRANSITION—FLIPPING UTAH'S SWITCH TOWARDS A RENEWABLE ENERGY FUTURE

12:20–1:20 pm, Room 106
S.J. Quinney College of Law

Tim Wagner, Director, Utah Smart Energy Campaign

1 hour CLE. Lunch provided.

▼ January 20, 2009

Green Bag SPEAKER AND TOPIC TBA

12:20–1:20 pm, Room TBA
S.J. Quinney College of Law

1 hour CLE. Lunch provided.

▼ January 22, 2009

Law Review Symposium ENVIRONMENTAL CRIMINAL PROSECUTION: ESSENTIAL TOOL OR GOVERNMENT OVERREACHING?

All day event. Sutherland Moot Courtroom
S.J. Quinney College of Law

CLE credit available.

▼ February 10, 2009

Green Bag SPEAKER AND TOPIC TBA

12:20–1:20 pm, Room TBA,
S.J. Quinney College of Law

1 hour CLE. Lunch provided.

▼ February 18, 2009

WALLACE STEGNER BIRTHDAY PARTY

7:00 pm, The City Library Auditorium,
210 E. 400 S., Salt Lake City

▼ March 6-7, 2009

14th Annual Symposium WALLACE STEGNER: HIS LIFE AND LEGACY

All day event. University Park Marriott

Speakers include: **Wendell Berry**, **Bruce Babbitt**, **Terry Tempest Williams**, **Page Stegner**, and **Patty Limerick**

Principal funding is provided by the R. Harold Burton Foundation, Chevron, and the Cultural Vision Fund.

Donor *report* 2007-08

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The Wallace Stegner Center is deeply indebted to the S.J. and Jessie E. Quinney Foundation for its vital endowment funding. In 1997, the Quinney Foundation gave \$1 million to support the Stegner Center and a named professorship in natural resources and environmental law. In 2001, the Quinney Foundation pledged an additional \$1.5 million for the Center. The Foundation's generosity has secured the Stegner Center's future, enabling us to continue preparing tomorrow's leaders in environmental and natural resources law and policy through the College's J.D. and LL.M. programs and to encourage greater community awareness, understanding, and involvement in environmental issues through our public educational programs.



Wallace Stegner Center for Land, Resources and the Environment

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“There is only this solid sense of having had or having been or having lived something real and good and satisfying, and the knowledge that having had or been or lived these things I can never lose them again. Home is what you can take away with you. ”

Wallace Stegner

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