RICHARD JAMES LAZARUS

Harvard Law School, Areeda 329 1563 Massachusetts Avenue Cambridge, MA 02138 lazarus@law.harvard.edu (617) 495 8015

EXPERIENCE

<u>Academic</u>	
July 2011 to Present	Charles Stebbins Fairchild Professor of Law (2023-present); Harvard Law School (Howard J. and Katherine W. Aibel Professor of Law (2012-2023)). Areas of particular interest for teaching and scholarship include environmental law, natural resources law, Supreme Court advocacy, constitutional law, torts, property, and administrative law.
Fall 2024	Beaufort Visting Fellow, St. John's College, University of Cambridge, Cambridge, England (Michaelmas Term)
July 2024	Summer Law Faculty, Galway University, New England School of Law's 2024 Summer Program, Galway, Ireland (two-week course co-taught with the Chief Justice of the United States)
June 2019	<u>Distinguished Environmental Law Scholar in Residence</u> , Vermont Law School
March 2019	Academic Writing Residential Fellow, The Rockefeller Foundation's Bellagio Center
Fall 2018	Herbert Smith Freehills Visitor, Faculty of Law and Visiting Member Jesus College, University of Cambridge, Cambridge England (Michaelmas Term)
July 2017	<u>Visiting Faculty</u> , <i>University of Melbourne</i> (one-week course cotaught with the Chief Justice of the United States on the U.S. Supreme Court in History)
July 2017	<u>Visiting Faculty</u> , <i>Victoria University of Wellington, New Zealand</i> (one-week course co-taught with the Chief Justice of the United States on the U.S. Supreme Court in History)

March 2016 <u>Visiting Lecturer</u>, *University of Tehran*, Tehran, Iran (three-day

workshop on The Challenges of Environmental Lawmaking in

Theory and Application)

January 2016 J-Term Faculty, *University of Hawai'i at Mānoa, William S.*

Richardson School of Law, Honolulu, Hawaii (one-week course on

Environmental Law in the United States Supreme Court)

EXPERIENCE – Academic (cont.):

July 2015 <u>Summer Law Faculty</u>, *Kyoto University Law Faculty*, The Consortium for Innovative Legal Education, Kyoto, Japan (one-

week course co-taught with the Chief Justice of the United States)

July 2014 <u>Summer Law Faculty</u>, Regent's University Law Faculty, The

Consortium for Innovative Legal Education, London, England (two-week course co-taught with the Chief Justice of the United

States)

July 2013 Summer Law Faculty, Charles University Law Faculty, The

Consortium for Innovative Legal Education, Prague, Czech

Republic (two-week course co-taught with the Chief Justice of the

United States)

July 2012 <u>Summer Law Faculty</u>, *University of Malta's Foundation for*

International Studies, Consortium for Innovative Legal Education, Malta (two-week course co-taught with the Chief Justice of the

United States)

July 2011 <u>Summer Law Faculty</u>, *University of Florence School of Law*, Penn

State The Dickinson School of Law Study Abroad, Florence, Italy (two-week course co-taught with the Chief Justice of the United

States)

1996-2011 <u>Justice William J. Brennan, Jr., Professor of Law,</u> Georgetown

University Law Center. (Brennan Professor, 2010-2011)

Founder & Faculty Co-Director, Georgetown University Supreme Court Institute (1999-2011) (Provides, inter alia, moot court practice sessions for counsel in approximately 95 percent

of Supreme Court cases)

Recipient, 2002 Frank Flegal Teaching Award (faculty peer

review award based on faculty & student survey)

EXPERIENCE – Academic (cont.):

Winter 2010 2008-2009	<u>Austin Wakeman Scott Visiting Professor of Law</u> , Harvard Law School
Spring 2011 Spring 2010 Spring 2009	Stanley Legro Visiting Professor of Law, University of San Diego School of Law (teaching short-term, intensive course)
July 2009	Summer Law Faculty, Galway University, New England School of Law's 2009 Summer Program on International and Comparative Human Rights Law, Galway Ireland (two-week course co-taught with the Chief Justice of the United States)
January 2009	Visiting Professor of Law, UCLA School of Law
July 2008	Summer Law Faculty, <i>University of Innsbruck</i> , St. Mary's School of Law Institute, Innsbruck, Austria: (two-week course co-taught with the Chief Justice of the United States)
July 2007	Summer Law Faculty, Juridicum Vienna, Penn State The Dickinson School of Law Study Abroad, Vienna, Austria (two-week course co-taught with the Chief Justice of the United States)
Spring 2006	<u>Visiting Professor of Law</u> , Columbia University School of Law
Winter 2002	<u>Visiting Professor of Law</u> , Harvard Law School
May 2001	<u>Visiting Lecturer</u> , University of Tehran, Iran
1999-2000	Woodrow Wilson Fellow, Woodrow Wilson International Center for Scholars, Washington, D.C.
1989-1996	<u>Professor of Law</u> , Washington University School of Law. Associate Professor, 1989-92. Recipient, Teacher of the Year Award
Summer 1994	Visiting Professor of Law, University of Texas School of Law
Fall 1991	<u>Visiting Professor of Law</u> , Northwestern University School of Law
Fall 1988	<u>Professorial Lecturer in Law</u> , George Washington University National Law Center. Taught class in natural resources law
1983-1985	Associate Professor of Law, Indiana University (Bloomington). Assistant Professor of Law (1983-1985). On leave of absence from January 1986 to July 1988

Non-Academic Full-Time or Significant Part-Time Legal Work

2020-2021	Office of the President-Elect Transition Team for the U.S. Department of Justice (November 2020-January 2021)
2010-2011	Executive Director, National Commission on the BP Deepwater Horizon Oil Spill and Future of Offshore Drilling (Presidential Commission investigating root causes of the 2010 Gulf oil spill)
2005-2006	National Environmental Justice Advisory Council, U.S. Environmental Protection Agency
1998-1999	Title VI of the Civil Rights Act Implementation Advisory Committee, U.S. Environmental Protection Agency, National Advisory Committee for Environmental Policy and Technology
1994-1996	National Environmental Justice Advisory Council, U.S. Environmental Protection Agency
1992-1993	Office of the President-Elect Transition Team for the U.S. Department of Justice, Environment and Natural Resources Division (November 1992-January 1993)
1986-1989	Assistant to the Solicitor General, U. S. Department of Justice. Representation of the United States before the Supreme Court
1979-1983	Attorney, Policy, Legislation, and Special Litigation, Land and Natural Resources Division, United States Department of Justice
EDUCATION	
1976-1979	Harvard Law School, J.D. 1979. Executive Editor, <u>Harvard Environmental Law Review</u> .
1971-1976	University of Illinois (Champaign-Urbana), B.S. Chemistry 1976, B.A. Economics 1976. Phi Beta Kappa
Spring 1975	Massachusetts Institute of Technology. Special Student in Economics (Advisor Prof. Robert Solow). Varsity Tennis Team
1966-1971	University High School, Urbana, Illinois
1968-1969	École Alsacienne, Paris, France

ACADEMIC and PROFESSIONAL AWARDS:

May 2019	Albert M. Sacks-Paul A. Freund Award for Teaching Excellence, Harvard Law School
November 2016	U.S. Department of Justice Environment and Natural Resources Division Inaugural Environmental Leadership Award
August 2011	American Bar Association Award for Distinguished Achievement in Environmental Law
May 2011	Max Beberman Distinguished Alumni Award, University High School, Urbana IL
May 2002	Frank F. Flegal Teaching Award, Georgetown University Law Center
May 1991	Professor of the Year, Washington University School of Law

PUBLICATIONS

Books and Book Chapters

- The Making of Environmental Law (University of Chicago Press, 2d ed., 2023)
- The Rule of Five, Making Climate History at the Supreme Court (Harvard University Press Belknap Imprint, March 2020 (paperback edition 2021))
- Advocacy Matters: Transforming the Court by Transforming the Bar, Business and the Roberts Court (Jonathan H. Adler, Ed., Oxford University Press 2016)
- Deep Water The Gulf Oil Disaster and the Future of Offshore Drilling Report to the President of the United States (GPO 2011) (Executive Director of Commission and Principal Report Author).
- Foreword, A Good Quarrel: America's Top Reporters Share Stories from Inside the Supreme Court (Timothy R. Johnson and Jerry Goldman, Eds., University of Michigan Press 2009)
- Environmental Law, in Encyclopedia of the United States Supreme Court (Tanenhaus, David Spinoza, et al., eds. 2008) (encyclopedia entry)
- Environmental Law Stories (Foundation Press 2005) (co-editor Prof. Oliver Houck)
- The Nature of Environmental Law and the U.S. Supreme Court, Alternative Grounds: Defending the Environment in an Unwelcome Judicial Climate (Environmental Law Institute 2005)
- The Making of Environmental Law (University of Chicago Press 2004) (paperback edition 2006, Mandarin edition 2017)
- Shifting Paradigms of Tort and Property in the Transformation of Natural Resources Law, Trends in Natural Resources law and Policy (L. MacDonnell & S. Bates, eds. 1993)
- The 1986 Supreme Court Term: Thoughts on the Significance of Keystone Bituminous, First English, and Nollan to the Federal Government, Proceedings of the Fifth Annual Hagman Commemorative Program on Windfalls for Wipeouts (Dimento, ed. 1990)

Law Reviews

• Why the Supreme Court Matters for Environmental Law and the Portent of the Current Court for Environmental Law's Future, 85 Ohio St. L. J. (forthcoming 2024)

- Justice Gorsuch and the Future of Environmental Law, 43 STAN. ENVTL L. J. 1 (2024)
- Reflections on Farber's Inequality and Regulation, 3 Am. J. LAW & EQUALITY 414 (2023)
- Sackett v. EPA: The Judicial Destruction of the Clean Water Act, U. CHI. L. REV. ONLINE 1 (August 11, 2023)
- The Scalia Court: Environmental Law's Wrecking Crew Within the Supreme Court, 47 HARV. ENVTL. L. REV. 407 (Summer 2023)
- Justice Breyer's Friendly Legacy for Environmental Law, 95 S. CAL. L. REV. 1395 (2023)
- Advocacy History and the Supreme Court, 2020 SUP. CT. REV. 423 (2021)
- Stewart's Paradoxes of Liberty, Integrity and Fraternity: Sobering Lessons from COVID-19 for Environmental Law, 29 N.Y.U. ENVTL L. J. 543 (2021) (Libby Dimenstein co-author)
- Environmental Law & Politics, 19 ABA INSIGHTS ON LAW & SOCIETY (Issue 1, January 2021) (originally published 8 INSIGHTS ON LAW & SOCIETY 10 (Spring 2008) (Sara Zdeb coauthor)
- The Super Wicked Problem of Donald Trump, 74 VANDERBILT L. REV.1811 (2020)
- Rights for Lake Erie?, HARV. L. REV. BLOG, April 1, 2019
- The Impact of Justice Kennedy and the Effect of His Retirement, 48 ENVTL. L. REP. (2018)
- Judicial Missteps, Legislative Dysfunction, and the Public Trust Doctrine: Can Two Wrongs Make It Right?, 45 ENVTL. L. REV. 1139 (2015)
- Back to "Business" at the Supreme Court: The "Administrative Side" of Chief Justice Roberts, 129 HARV. L. REV. 33 (2015)
- Senator Edmund Muskie's Enduring Legacy in the Courts, 67 ME. L. REV. 240 (2015).
- The Opinion Assignment Power, Justice Scalia's Unbecoming, and UARG's Unanticipated Cloud Over the Clean Air Act, 39 HARV. ENVTL. L. REV. 37 (2015)
- Environmental Law Without Congress, 30 J. LAND USE & ENVTL. L. 16 (2014)
- The (Non)Finality of Supreme Court Opinions, 128 HARV. L. REV. 540 (2014)
- Flexing Agency Muscle, 48 GEORGIA L. REV. 327 (2014)
- Norfolk & Western Railway v. Ayers, 538 U.S. 135 (2003), Essays in Honor of Ruth Bader Ginsburg, 127 HARV. L. REV. (2013)
- Presidential Combat Against Climate Change, 126 HARV. L. REV. F. 152 (2013)
- Environmental Law at the Crossroads: Looking Back 25, Looking Forward 25, 2 U. MICH. J. ENVTL & ADMIN. L. 267 (2013)
- The National Environmental Policy Act in the U.S. Supreme Court: A Reappraisal and A Peek Behind the Curtains, 100 Geo. L. J. 1507 (2012)
- The Power of Persuasion Before and Within the Supreme Court of the United States, 2012 U. ILL. L. Rev. 231 (2012)
- One Hundred Years of the Environment and Natural Resources Division, 41 ENVTL L. REP. 10986 (November 2011)
- Climate Change Law In and Over Time, 2 SAN DIEGO J. CLIMATE L. & POLICY 29 (2010)

PUBLICATIONS – Law Reviews (cont.):

• Super Wicked Problems and Climate Change: Restraining the Present to Liberate the Future, 94 CORNELL L. REV. 1153 (2009)

- *Docket Capture at the High Court*, 199 YALE L. J. ONLINE 89 (2009)
- An Introduction: First Annual Climate & Energy Law Symposium: Federal Preemption of State Prerogative – California in the Face of National Climate Policy, 1 SAN DIEGO J. CLIMATE L. & POLICY 1 (2009)
- Advocacy Matters Before and Within the U.S. Supreme Court: Transforming the Court by Transforming the Bar, 96 GEO. L. J. 1487 (2008)
- The Environment and Natural Resources Division of the United States Department of Justice: Planning for the Transition to the Next Administration, 2 HARV. L & POLICY REV. 269 (2008)
- Environmental Law & Politics, 8 INSIGHTS ON LAW & SOCIETY 10 (ABA Spring 2008) (Sara Zdeb co-author)
- Lucas *Unspun*, 16 Southeastern Envtl L. J. 13 (2007)
- Bill Rodgers: Environmental Law's Captain Planet, 82 WASH. L. REV. 493 (2007)
- Environmental Law After Katrina: Reforming Environmental Law by Reforming Environmental Lawmaking, 81 Tulane L. Rev. 1019 (2007)
- Crystals and Mud in Nature, 18 YALE J. L. & HUMANITIES 134 (2006) (symposium)
- *Human Nature, the Laws of Nature, and the Nature of Environmental Law*, 24 VIRGINIA ENVTL L. J. 231 (2006)
- The Measure of a Justice: Justice Scalia and the Faltering of the Property Rights Movement within the U.S. Supreme Court, 57 HASTINGS L. J. 759 (2006)
- Congressional Descent: The Demise of Deliberative Democracy in Environmental Law, 94 GEO. L. J. 619 (2006)
- Judging Environmental Law, 18 Tulane Envtl L. J. 201 (2004)
- Looking Back at Penn Central: A Panel Discussion with Supreme Court Litigators, 15 FORDHAM ENVTL L. J. 287 (2004) (moderated panel discussion)
- Celebrating Tahoe-Sierra, 33 ENVTL L. 1 (2003)
- *Rehnquist's Court*, 47 St. Louis U. L. J. 861 (2003)
- A Different Kind of "Republican Moment" in Environmental Law, 97 MINN. L. REV. 999 (2003)
- Highways and Bi-Ways for Environmental Justice, 31 CUMBERLAND L. REV. 569 (2001) (symposium "Civil Rights in the New Decade")
- The Greening of America and the Graying of Environmental Law: Reflections on Environmental Law's First Three Decades in the United States, 20 VA. ENVTL L. J. 75 (2001)
- Restoring What's Environmental About Environmental Law in the Supreme Court, 47 U.C.L.A. L. REV.703 (2000) (reprinted in 30 LAND USE & ENVTL L. REV. 425 (2001) (faculty peer review selection of best environmental law articles published between November 1, 1999 and November 1, 2000))
- Thirty Years of Environmental Protection Law in the United States Supreme Court, 17 PACE ENVTL L. REV. 1 (2000) (Lloyd H. Garrison Distinguished Lecture)

PUBLICATIONS – Law Reviews (cont.):

• "Environmental Racism! That's What It Is." 1999 U. ILL. L. REV. 255 (2000) (symposium issue on innovation in environmental law)

- Integrating Environmental Justice into EPA Permitting Authority, 26 ECOL. L. Q. 617 (1999) (co-author)
- Environmental Scholarship and the Harvard Difference, 23 HARV. ENVTL L. REV. 327 (1999)
- Counting Votes and Discounting Holdings in the Supreme Court's Takings Cases, 38 WILLIAM & MARY L. REV. 1099 (1997)
- Mens Rea in Environmental Criminal Law: Reading Supreme Court Tea Leaves, 7 FORDHAM ENVTL L. J. 861 (1996) (symposium issue)
- Meeting the Demands of Integration in the Evolution of Environmental Law: Reforming
 Environmental Criminal Law, 83 GEO. L. J. 2407 (1995) (reprinted in 28 LAND USE &
 ENVTL L. REV. 425 (1997) (faculty peer review selection of best environmental law articles
 published between November 1, 1995 and November 1, 1996))
- The Reality of Environmental Law in the Prosecution of Environmental Crimes: A Reply to the Department of Justice, 83 GEO. L. J. 2539 (1995)
- City of Chicago v. Environmental Defense Fund: *Searching for Plain Meaning in Unambiguous Ambiguity*, 4 N.Y.U. ENVTL L. J. 1 (1995) (co-authored) (symposium)
- Assimilating Environmental Protection into Legal Rules and the Problem with Environmental Crime, 27 LOYOLA L.A. L. REV. 867 (1994) (symposium issue)
- Putting the Correct "Spin" on Lucas, 45 STAN. L. REV. 1411 (1993)
- Pursuing "Environmental Justice": The Distributional Effects of Environmental Protection, 87 NORTHWESTERN U. L. REV. 787 (1993) (reprinted in 25 LAND USE & ENVTL REV. 263 (1994) (faculty peer review selection of best environmental law articles published between November 1992 and November 1993))
- Debunking Environmental Feudalism: Promoting the Individual Through the Collective Pursuit of Environmental Quality, 77 IOWA L. REV. 1739 (1992)
- The Tragedy of Distrust in the Implementation of Federal Environmental Law, 54 LAW AND CONTEMPORARY PROBLEMS 311 (1991) (reprinted in 24 LAND USE & ENVTL REV. 351 (1993) (faculty peer review selection of best environmental law articles published between November 1, 1991 and November 1, 1992))
- The Neglected Question of Congressional Oversight of EPA: Quis Custodiet Ipsos Custodes (Who Shall Watch The Watchers Themselves), 54 LAW AND CONTEMPORARY PROBLEMS 205 (1991)
- Changing Conceptions of Property and Sovereignty in Natural Resources Law: Questioning the Public Trust Doctrine, 71 IOWA L. REV. 631-716 (1986)
- Standing to Sue the Federal Government: Current Issues and Congressional Control, 18 LAND & NAT. RES. DIV. J., 2-50 (Summer 1981) (USDOJ Pub.) (co-author)
- The Clean Water Act and Related Developments in the Federal Water Pollution Control Program During 1977 -- Nonpoint Sources, 2 HARV. ENVTL L. REV. 103, 176-198 (1978) (student note)

SUPREME COURT MERITS CASES BRIEFED (& ARGUED)

- Murr v. Wisconsin, No. 15-214 (decided June 23, 2017) (argued)
- Los Angeles County Flood Control Dist. v. Natural Resources Defense Council, Inc., 568 U.S. 78 (2013)
- *Monsanto v. Geertson Seed Farms*, 561 U.S. 139 (2010)
- Entergy Corp. v. Riverkeeper, 556 U.S. 208 (2009) (argued)
- Massachusetts v. EPA, 549 U.S. 497 (2007) (jurisdictional stage only)
- S.D. Warren v. Maine Board of Environmental Protection, 547 U.S. (2006)
- South Florida Water Management District v. Miccosukee Tribe, 541 U.S. 95 (2004)
- Norfolk & Western Ry v. Ayers, 538 U.S. 135 (2003) (argued)
- Tahoe-Sierra Preservation Council v. Tahoe Regional Planning Agency, 535
 U.S. 302 (2002)
- *Palazzolo v. Rhode Island*, 533 U.S. 606 (2001)
- American Trucking Assn v. Whitman, 531 U.S. 457 (2001)
- Suitum v. Tahoe Regional Planning Agency, 520 U.S. 725 (1997) (argued)
- *Dolan v. City of Tigard*, 512 U.S. 374 (1994)
- PUD No. 1 of Jefferson County v. State of Washington, 511 U.S. 700 (1994)
- City of Chicago v. Environmental Defense Fund, 511 U.S. 328 (1994) (argued)
- Lucas v. South Carolina Coastal Council, 505 U.S. 1003 (1992)
- California v. Federal Energy Regulatory Commission, 495 U.S. 490 (1990)
- New Orleans Public Service Commission v. Council of City of New Orleans,
 491 U.S. 350 (1989) (argued)
- *Lorance v. AT&T*, 490 U.S. 900 (1989)
- *Gomez v. United States*, 490 U.S. 858 (1989)
- Chan v. Korean Air Lines, 490 U.S. 122 (1989) (argued)
- Bowen v. Georgetown University Hospital, 488 U.S. 204 (1988) (argued)
- Shell Oil Co. v. State of Iowa, 488 U.S. 19 (1988)
- *United States v. Kozminski*, 487 U.S. 931 (1988)
- Mississippi River Power & Light v. State of Mississippi, 487 U.S. 354 (1988)
- EEOC v. Commercial Office Products, 486 U.S. 107 (1988) (argued)
- Bennett v. Arkansas, 485 U.S. 395 (1988) (argued only)
- *Bowen v. Galbreath*, 485 U.S. 74 (1988) (argued)
- Nollan v. California Coastal Comm'n, 483 U.S. 825 (1987)
- *Tanner v. United States*, 483 U.S. 107 (1987) (argued)
- Amoco Production Co. v. Village of Gambell, 480 U.S. 531 (1987)
- School Bd. of Nassau County v. Arline, 480 U.S. 273 (1987)
- *International Paper Co. v. Ouellette*, 479 U.S. 481 (1987)
- *Colorado v. Bertine*, 479 U.S. 367 (1987) (argued)
- California Federal Savings & Loan Assn v. Guerra, 479 U.S. 2727 (1987)
- *Ansonia Board of Education v. Philbrook*, 479 U.S. 60 (1986)

SUPREME COURT MERITS CASES BRIEFED (& ARGUED) (cont.):

- North Carolina Dept. of Transportation v. Crest Street Community Council, 479 U.S. 6 (1986) (argued)
- Summa Corp. v. State of California ex rel. State Lands Comm'n, 466 U.S. 198 (1984)
- *Metropolitan Edison v. People Against Nuclear Energy*, 460 U.S. 766 (1983)
- Commonwealth Edison v. State of Montana, 453 U.S. 609 (1981)
- San Diego Gas & Electric v. City of San Diego, 450 U.S. 621 (1981)
- Clover Leaf Creamery v. State of Minnesota, 449 U.S. 456 (1980)
- *Agins v. City of Tiburon*, 447 U.S. 255 (1980)

RECENT SIGNIFICANT UNIVERSITY & LAW SCHOOL ADMINISTRATIVE WORK

Harvard University Provost Advisory Committee

Harvard University Vice Provost Committee for Climate Curriculum Reform

Harvard University President's Harvard Law School Dean Search Faculty Advisory Committee

Bicentennial Committee, Faculty Chair, Harvard Law School

Administrative Board, Member, Harvard Law School

Admissions Committee, Chair & Member, Harvard Law School

Judicial Clerkship Committee, Chair & Member, Harvard Law School

Harvard University Greenhouse Gas Reduction Task Force, Member

Harvard University Center for the Environment Faculty Advisory Committee, Member

Harvard University John F. Kennedy School Regulatory Policy Program, Faculty Affiliate

OUTSIDE ADVISORY BOARDS (Recent Only)

Analysis Group, Board of Directors, Boston, MA (2007-May 2010; May 2011-present)

Environmental Defense Fund, Board of Trustees, New York City, NY (May 2010-June 2010; May 2011- present) (Chair, Litigation Review Committee)

Global Forest Generation Board of Directors (2018-2022)

Harvard Environmental Law Review Advisory Board, Cambridge, MA (1995-present)