

# Michael Pappas

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## Experience

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**University of Colorado Law School**, Boulder, Colorado  
*Professor of Law* (with tenure), 2022 – present

*Courses:*

Property, Foundations of American Natural Resources Law, Climate Change Law

**University of Maryland Francis King Carey School of Law**, Baltimore, Maryland  
*Professor of Law* (with tenure), 2017 – 2022

*Associate Dean for Research and Faculty Development*, 2017 – 2020

*Associate Professor of Law*, 2015 – 2017

*Assistant Professor of Law*, 2012 – 2015

*Courses:*

Property; Natural Resources Law; Climate Change Seminar; Statutory Interpretation; Torts; Coastal Resources Law; Food, Farming, and Sustainability Seminar; Clean Water Act Practicum

*Academic Awards:*

2017 University of Maryland Carey School of Law Giraffe Award

2014 Pace Environmental Law Distinguished Junior Scholar

2013 American Agricultural Law Association Top Professional Scholarship Award

*Teaching Awards:*

2014 Outstanding Faculty Member of the Year

**Georgetown University Law Center**, Washington D.C.

*Visiting Professor of Law*, 2021

*Courses:* Property

**Tulane University Law School**, New Orleans, Louisiana

*Forrester Fellow and Instructor in Legal Writing*, 2009 – 2012

*Courses:* Legal Research and Writing, Domestic and International Fisheries Law

**Loyola University New Orleans College of Law**, New Orleans, Louisiana

*Adjunct Professor*, 2011 – 2012

*Courses:* Natural Resources Law

**United States Army Corps of Engineers PROSPECT Training Program**

*Instructor*, 2011 – 2012

Taught environmental law and regulation course to Army Corps personnel

**The Honorable James L. Dennis, U.S. Court of Appeals for the Fifth Circuit**  
*Law Clerk, 2007 – 2009*

**Education**

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**Stanford Law School, J.D. 2007**

Graduated with distinction for high academic achievement  
*Co-Editor-in-Chief*, Stanford Environmental Law Journal  
Stanford Environmental Law Clinic

**Stanford University, M.A., English Literature, 2003**

**Stanford University, B.A., English Literature, 2003**

**Publications**

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*Property and a Claimed Right to Violence* (in progress)

*The Major Question Doctrine: A Game-Theoretical Explanation* (in progress)

*Disorder Despite Law: A Century of Flood Control and Its Lessons for Property Law* (in progress).

*Climate Risk, Insurance Retreat, and State Response*, \_\_ GA. L. REV. \_\_ (2024) (with Mark Nevitt)

*The Structure of U.S. Climate Policy*, \_\_ MD. L. REV. \_\_ (2024)

*Prevention and Cure*, 54 LOY. L.A. L. REV. 1067 (2021)

*Climate Changes Property: Disasters, Decommmodification, and Retreat*, 82 OHIO ST. L. J. 331 (2021)  
(with Victor B. Flatt)

Included in the top 20 articles selected for the fifteenth edition of the Environmental Law and Policy Annual Review (ELPAR), a joint project of the Environmental Law Institute and Vanderbilt University Law School

*The Costs of Creating Environmental Markets: A Commodification Primer*, 9 UC IRVINE L. REV. 731 (2019) (with Victor B. Flatt)

Finalist for republication in the Land Use & Environmental Law Review, a peer-selected annual compendium of significant legal scholarship in land use and environmental law

*Disclaiming Property*, 42 HARV. ENVTL. L. REV. 392 (2018)

Finalist for republication in the Land Use & Environmental Law Review, a peer-selected annual compendium of significant legal scholarship in land use and environmental law

*A Right to Be Regulated?*, 24 GEO. MASON L. REV. 99 (2016)

*Singled Out*, 76 MD. L. REV. 122 (2016)

*The Armstrong Evolution*, 76 MD. L. REV. ENDNOTES 35 (2016) (invited contribution)

*Defining Power Property Expectations*, 45 ENVTL. L. REP. (ENVTL. L. INST.) 10542 (2015) (invited contribution)

*Distributed, Nega-, and Reclaimed: Setting Expectations in the “New” Resource Base*, 32 PACE ENVTL. L. REV. 471 (2015) (invited symposium contribution)

*Anti-Waste*, 56 ARIZ. L. REV. 741 (2014)

Finalist for republication in the *Land Use & Environmental Law Review*, a peer-selected annual compendium of significant legal scholarship in land use and environmental law

*Energy Versus Property*, 41 FLA. ST. U. L. REV. 435 (2014)

*Escaping the Sporhase Maze: Protecting State Waters Within the Commerce Clause*, 73 LA. L. REV. 175 (2012) (with Mark S. Davis) (invited symposium contribution)

Winner of American Agricultural Law Association Top Professional Scholarship Award, November 2013

*Unnatural Resource Law: Situating Desalination in Coastal Resource and Water Law Doctrines*, 86 TUL. L. REV. 81 (2011)

*No Two-Stepping in the Laboratories: State Deference Standards and Their Implications for Improving the Chevron Doctrine*, 39 MCGEORGE L. REV. 977 (2008)

*Buying the Way to a Better Gulf Fishery: Buybacks for Hurricane Relief and Fisheries Rationalization in the Gulf of Mexico*, 36 ENVTL. L. REP. (ENVTL. L. INST.) 10800 (2006)

## **Interdisciplinary Initiatives and Leadership**

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**Online Workshop for Environmental Scholarship**, 2018 – present

Founded, organize, and lead twice-weekly research workshops for over 100 environmental law and policy scholars from across the U.S. and the world

**CONSERVE: A Center of Excellence at the Nexus of Sustainable Water Reuse, Food Crop Production, and Health**, 2015 – 2020

Law and Policy Project Director for interdisciplinary, multi-institutional center established by \$10 million USDA grant

**University of Maryland Agriculture Law Education Initiative**, 2013 – present

Leadership Committee member for multi-institutional collaboration providing education and resources to address legal needs of Maryland family farms

**University System of Maryland Environmental Summit, 2012 – 2015**

Co-Founder and Steering Committee member of initiative to foster interdisciplinary curricular and research opportunities between environmental scholars across the University System of Maryland

**University of Maryland: MPowering the State, 2012 – 2018**

Committee member for collaborations between the University of Maryland College Park and University of Maryland Baltimore campuses

**Pro Bono and Private Consulting (Selected Topics)**

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Climate Change Adaptation

Cap-and-Trade Program Design

Desalination and Freshwater Management

Clean Water Act Wetlands Permitting

Endangered Species Act Critical Habitat Designation

Surface Mining Reclamation and Bonding Requirements

State Administrative Law

**Selected Presentations**

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*Disorder Despite Law*, Marquette Law School Faculty Colloquium, November 2023

*Disorder Despite Law*, Workshop for Environmental Scholarship, November 2023

*Disorder Despite Law*, Emory Law School Faculty Colloquium, September 2023

*Disorder Despite Law*, UCLA/Colorado Summer Colloquium, August 2023

*Environmental Affirmative Action?: Examining the Dimensions of Environmental Justice*, Pace/Maryland Environmental Colloquium, September 2020

*Climate Changes Property: Disasters, Decommodification, and Retreat*, Workshop for Environmental Scholarship, January 2020

*Climate Changes Property: Disasters, Decommodification, and Retreat*, AALS Annual Meeting, January 2020

*Environmental Affirmative Action?*, University of Colorado Law School and UCSB Bren School of Environment Summer Symposium, August 2019

*The Costs of Creating Environmental Markets: A Commodification Primer*, Celebrating Commons Scholarship, Georgetown University Law Center, October 2018

*The Costs of Commodification: A Framework for Assessing the Appropriateness and Design of Environmental Market Tools*, The Tenth Annual Meeting of the Society for Environmental Law and Economics, The University of Notre Dame Law School, June 2018

*The Costs of Commodification: A Framework for Assessing the Appropriateness and Design of Environmental Market Tools*, Association of Law, Property, and Society Annual Meeting, May 2018

*The Costs of Commodification: A Framework for Assessing the Appropriateness and Design of Environmental Market Tools*, Junior Faculty Workshop, University of Maryland Francis King Carey School of Law, February 2018

Moderator, 2017 Agriculture and Environmental Law Conference, University of Maryland Agriculture Law Education Initiative, November 2017

*The Costs of Commodification: A Framework for Assessing the Appropriateness and Design of Environmental Market Tools*, George Mason Law and Economics Program Workshop for Law Professors on Elinor Ostrom and the Spontaneous Order Tradition, George Mason University Antonin Scalia Law School, October 2017

*Disclaiming Property*, Junior Faculty Workshop, University of Maryland Francis King Carey School of Law, January 2017

*Navigating the Legal Minefield of Coastal Restoration and Adaptation*, 8th National Summit on Coastal and Estuarine Restoration and 25th Biennial Meeting of The Coastal Society, December 2016

Moderator, 2016 Agriculture and Environmental Law Conference, University of Maryland Agriculture Law Education Initiative, November 2016

*Halftime for the Chesapeake Bay TMDL*, 2016 Annual Ward Kershaw Symposium, University of Maryland Francis King Carey School of Law, November 2016

*A Right to Be Regulated?*, University of Richmond School of Law Faculty Colloquy Series, September 2016

*Property Rights, Ecosystem Services, and Land Conservation: Using Property Law to Protect Private Protected Areas*, 2016 IUCN World Conservation Congress, September 2016

*Online Education and Emerging Climate Issues*, 14<sup>th</sup> Annual Colloquium of the IUCN Academy of Environmental Law, June 2016

*A Right to be Regulated?*, Association of Law, Property, and Society Annual Meeting, May 2016

*Public Interest or Special Interest?*, Green China Public Interest Litigation and Environmental Governance Summit, KoGuan Law School and Shanghai Jiao Tong University, Shanghai, March 2016

*A Right to Be Regulated?*, The 18th Annual Conference on Litigating Takings Challenges to Land Use and Environmental Regulations, September 2015

*Extracting Distributed Fairness from Takings*, University of Denver Sturm College of Law, March 2015

*A Right to Be Regulated?*, Roundtable on Property Theory, Tulane University Law School, March 2015

*The Cumulative, Distributive, and Individual: New Directions in Environmental Law*, Symposium on Reconceptualizing the Future of Environmental Law, Pace Law School, March 2015

*Extracting Distributive Fairness from Takings*, University of North Carolina School of Law, February 2015

*Defining Power Property Expectations*, AALS Section on Natural Resources and Energy Law 2015 Program, January 2015

*Distributed Fairness, Equal Protection, and Takings*, Vermont Colloquium on Environmental Scholarship, October 2014

*Distributed Fairness, Equal Protection, and Takings*, Pace Law School Distinguished Environmental Law Junior Scholar Lecture, September 2014

*Compared to What?: Distributive Fairness Equal Protection, and Takings*, South Eastern Association of Law Schools Annual Conference, August 2014

*Compared to What?: Distributive Fairness Equal Protection, and Takings*, Young Environmental Law Scholars Workshop, University of Washington, July 2014

*Food Certification and Ecosystem Services*, University of Maryland Environmental Summit, February 2014

*Anti-Waste*, University of Tulsa College of Law Faculty Colloquy, November 2013

*Anti-Waste*, Young Environmental Law Scholars Workshop, University of Washington, July 2013

*Anti-Waste*, Junior Environmental Law Professor Work-in-Progress Gathering, American University Washington College of Law, June 2013

*Anti-Waste*, Sabin Colloquium on Innovative Environmental Scholarship, Columbia Law School, May 2013

*Energy Versus Property*, Junior Faculty Workshop, Michigan State University College of Law, November 2012

*Going with the Flow: Ensuring Freshwater Flows for Estuaries*, 6<sup>th</sup> National Conference on Coastal and Estuarine Habitat Restoration, October 2012

*Energy Versus Property*, Colloquium on Environmental Scholarship, Vermont Law School, October 2012

Chair, *Marine Governance*, 10<sup>th</sup> Annual Colloquium of the IUCN Academy of Environmental Law, July 2012

*Escaping the Sporhase Maze*, Junior Environmental Law Professor Work-in-Progress Gathering, American University Washington College of Law, June 2012

*Escaping the Sporhase Maze: Protecting State Waters within the Commerce Clause*, Louisiana State University Law Review Symposium, Coastal Land Loss in the Gulf and Beyond, March 2012

*Big Tuna: Can We Manage Our Appetites*, Tulane Law School Summit on Environmental Law & Policy, March 2012

*Situating Desalination in Coastal and Water Law Doctrines*, Loyola University New Orleans College of Law Fellows Conference, March 2011

## **Organizations and Bar Admission**

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Former Chair, AALS Section on Natural Resources and Energy Law

Admitted to the California Bar