

CHRISTINE A. KLEIN

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LAW TEACHING EXPERIENCE

University of Florida (Fredric G. Levin College of Law)

Director, LL.M. Program in Environmental & Land Use Law (2011-present)
Associate Dean for Faculty Development (research dean), 2006 - 2009
Professor of Law, 2003 – present

Committees: Admissions (chair), Appointments, Curriculum (chair), Promotion and Tenure (chair)

University of Warsaw / University of Florida (Poland)

Center for American Law Studies, Introduction to American Law (course instructor), Oct. 2008 & Oct. 2008

University of Costa Rica / University of Florida (San Jose, Costa Rica)

Joint Program in Environmental Law, Environmental Dispute Resolution, Co-instructor, June 2006

Michigan State University College of Law

Professor of Law, 2000 – 2003 (tenured 2000)
Associate Professor of Law, 1995 – 2000
Director, Environmental Law Concentration Program

University of Denver College of Law

Visiting Professor of Law, spring 2010
Visiting Associate Professor of Law, fall 1999

University of Colorado School of Law

Visiting Fellow, Natural Resources Law Center, 1994 - 1995

PRACTICE EXPERIENCE

Office of the Attorney General, State of Colorado

Assistant Attorney General, Natural Resources Section, 1989-93
Specialized in water rights litigation
See, e.g., American Water Development, Inc. v. City of Alamosa, 874 P.2d 352 (Colo. 1994)
(served as one of two attorneys successfully representing Colorado in six-week trial)

United States District Court, District of Colorado

Judicial Clerk to the Honorable Richard P. Matsch, 1988-89

Shea & Gardner (now Goodwin Procter) (Washington, D.C.)

Clerk, summer/fall 1987

Ninth Circuit Court of Appeals (San Francisco)

Judicial Clerk, Office of Staff Attorneys, summer 1986

EDUCATION

Columbia University School of Law (New York)

LL.M., 1994

Harlan Fiske Stone Scholar (awarded for “superior academic performance”)

University of Colorado School of Law (Boulder)

J.D., 1987

Law Review member (selected as top 10% of first year class)

Law Review Editor

Middlebury College (Vermont)

B.A., *magna cum laude*, 1978

Member of Phi Beta Kappa

PROFESSIONAL ACTIVITIES AND ASSOCIATIONS

National Research Council of the National Academy of Sciences

Committee Member, *Committee on Sustainable Water and Environmental Management in the California Bay-Delta* (2009-2011)

Committee Member, *Panel to Review California’s Draft Bay Delta Conservation Plan* (2010-2011)

Center for Progressive Reform, Member-Scholar (2006 - present)

American Bar Association, Member

Admitted to practice: Colorado (inactive status) and District of Columbia (inactive status)

PUBLICATIONS

Books, Chapters, and Monographs

Mississippi River Tragedies: Law and Unnatural Disasters (work in progress, with Zellmer): describing floods and hurricanes in the Mississippi Basin from the river’s headwaters to its delta, and exploring policy implications for areas including wetlands protection, agricultural policy, federal subsidies, flood control, flood insurance, regulatory takings law, and environmental justice.

NATURAL RESOURCES LAW: A PLACE-BASED BOOK OF PROBLEMS AND CASES (3d. ed. forthcoming Jan. 2013, Aspen Publishers) (with Federico Cheever and Bret C. Birdsong) (includes teacher's manual and website with substantive updates and supporting maps, photographs, and documents).

Survey of Florida Water Law, in WATERS AND WATER RIGHTS (Robert E. Beck, ed., Matthew Bender & Co., Inc. (including annual updates 2005 - 2011)).

Environmental Patriotism, in BEYOND ENVIRONMENTAL LAW: POLICY PROPOSALS FOR A BETTER ENVIRONMENTAL FUTURE (David M. Driesen & Alyson C. Flournoy, eds., Cambridge University Press 2010).

The Florida Water Resources Act of 1972: Beyond the First 35 Years (with Mary Jane Angelo & Richard Hamann), monograph distributed to The Century Commission for a Sustainable Florida, 2008 Water Congress: *Planning for Florida's Water Future*.

The Environmental Commerce Clause: Disguising Pragmatism with Metaphor, in THE JURISDYNAMICS OF ENVIRONMENTAL PROTECTION: CHANGE AND THE PRAGMATIC VOICE IN ENVIRONMENTAL LAW (Environmental Law Institute, Jim Chen ed., 2003).

National Research Council Reports

National Research Council, Committee on Sustainable Water and Environmental Management in the California Bay-Delta (served as committee member and committee co-author), *Sustainable Water and Environmental Management in the California Bay-Delta* (2012).

National Research Council, Panel to Review California's Draft Bay Delta Conservation Plan (served as panel member and panel co-author), *A Review of the Use of Science and Adaptive Management in California's Draft Bay Delta Conservation Plan* (2011).

National Research Council, Committee on Sustainable Water and Environmental Management in the California Bay-Delta (served as committee member and committee co-author), *A Scientific Assessment of Alternatives for Reducing Water Management Effects on Threatened and Endangered Fishes in California's Bay Delta* (2010).

Articles

Water Bankruptcy, 97 MINNESOTA L. REV. __ (forthcoming 2013).

Compartmentalized Thinking and the Clean Water Act, 4 GEORGE WASHINGTON J. ENERGY & ENVIRONMENTAL L. __ (forthcoming 2013).

The Dormant Commerce Clause and Water Export: Toward a New Analytical Paradigm, 35 HARVARD ENVIRONMENTAL L. REV. 131(2011).

The Environmental Deficit: Applying Lessons from the Economic Recession, 51 ARIZONA L. REV. 651 (2009).

Modernizing Water Law: The Example of Florida (with Mary Jane Angelo and Richard Hamann), 61 FLORIDA L. REV. 403 (2009).

Cultural Norms as a Source of Law: The Example of Bottled Water (with Ling-Yee Huang), 30 CARDOZO L. REV. 507 (2008).

Water Transfers: The Case Against Transbasin Diversions in the Eastern States, 25 UCLA J. ENVTL. L. POL'Y 249 (2007).

The New Nuisance: An Antidote to Wetland Loss, Sprawl, and Global Warming, 48 BOSTON COLLEGE L. REV. 1155 (2007).

Mississippi River Stories: Lessons from a Century of Unnatural Disasters (with Sandra B. Zellmer), 60 SMU L. REV. 1471 (2007).

The Law of the Lakes: From Protectionism to Sustainability (symposium), 2006 MICHIGAN STATE UNIVERSITY L. REV. 1259, reprinted in ENVIRONMENTAL LAW: PRINCIPLES AND GOVERNANCE (A.Usha, ed., Icfai University Press, India, 2007).

On Integrity: Some Considerations for Water Law, 56 ALABAMA L. REV. 1009 (2005).

The Environmental Commerce Clause, 27 HARVARD ENVIRONMENTAL L. REV. 1 (2003).

Preserving Monumental Landscapes Under the Antiquities Act, 87 CORNELL L. REV. 1333 (2002).

Dam Policy: The Emerging Paradigm of Restoration, 31 ENVIRONMENTAL LAW REPORTER 10486 (2001).

On Dams and Democracy, 78 OREGON L. REV. 641 (1999).

Beating a Dead Mouse: Do IOLTA Programs Create an Unconstitutional Taking of Private Property?, MICHIGAN STATE UNIVERSITY L. REV. (1999).

A Requiem for the Rollover Rule: Capital Gains, Farmland Loss, and the Law of Unintended Consequences, 55 WASHINGTON & LEE L. REV. 403 (1998).

Treaties of Conquest: Property Rights, Indian Treaties, and the Treaty of Guadalupe Hidalgo (symposium), 26 NEW MEXICO L. REV. 201 (1996), cited in *Jicarilla Apache Nation v. Rio Arriba County*, 440 F.3d 1202 (10th Cir. 2006).

The Constitutional Mythology of Western Water Law, 14 VIRGINIA ENVTL. L. J. 101 (1995). This article was relied upon, in part, by Arizona, Montana, and New Mexico for the establishment of "instream flow" water rights for ecological, fish and wildlife, and recreational purposes. See *Phelps Dodge Corp. v. Arizona Dep't of Water Resources*, 118 P.3d 1110 (Ariz. Ct. App. 2006); *In re Adjudication of the Existing Rights to the Use of All the Water*, 55 P.3d 396 (Mont. 2002); 98-01 Op. Att'y Gen. (N.M. 1998), available at 1998 WL 1796400.

Bersani v. EPA: The EPA's Veto Authority Over Section 404 Permit Applications Under the Clean Water Act, 19 ENVIRONMENTAL LAW 389 (1989).

Brief Articles & Op-Eds

Florida to Georgia: God Helps Those Who Help Themselves (Op Ed), ORLANDO SENTINEL, Dec. 16, 2007, <http://www.orlandosentinel.com/news/opinion/views/orl-water1607dec16,0,1732889.story>.

Patriotism is Redefined by Environmental Conservation (Op Ed), GAINESVILLE SUN, April 22, 2007, <http://www.gainesville.com/apps/pbcs.dll/article?AID=/20070422/EDITORIALS0101/704220310&SearchID=73279036202265>.

A Background History of Directional Drilling in Michigan, 2002 MICHIGAN STATE UNIVERSITY L. REV. 173 (2002).

The New Attack on Legal Services for the Poor, AMICUS 12 (Michigan State University College of Law) (1999).

Treaty-Based Land Rights Within the United States, 36 RESOURCE LAW NOTES 5 (University of Colorado School of Law, Natural Resources Law Center) (1996).

Refereed Publications

James F. Herman, Susan L. Blomquist & Christine A. Klein, *Children's and Adults' Cognitive Maps of Very Large Unfamiliar Environments*, British Journal of Developmental Psychology, vol. 5, pp. 61–72 (1987).

James F. Herman, Christine A. Klein & Susan L. Blomquist, *Developmental Differences in the Use of an Abstract Reference Frame to Infer Spatial Relationships*, Developmental Psychology, vol. 22, issue 4, pp. 468-476 (1986).

James F. Herman, Laura M. Norton & Christine A. Klein, *Children's Distance Estimates in a Large-Scale Environment: A Search for the Route Angularity Effect*, Environment and Behavior, vol.18, pp. 533-558 (1986).

James F. Herman & Christine A. Klein, *The Effect of Travel Effort on Children's Distance Estimations*, British Journal of Developmental Psychology, vol. 3, number 4, pp. 353-361 (1985).

Heidi B. Kahl, James F. Herman & Christine A. Klein, *Distance Distortions in Children's Cognitive Maps: An Examination of the Information Storage Model*, Journal of Experimental Child Psychology, vol. 38, issue 1, August 1984, Pages 134-146 (1984).

PRESENTATIONS AND PANELS

University of Colorado Law School and Duke University School of Law (Boulder)
Fourth Annual Works-in-Progress Symposium, Natural Resources, Energy, and Climate in a Climate Change World, Aug. 9-10, 2012 (invited participant)

Vermont Law School
After Irene, Legal and Policy Lessons for the Future, *The National Flood Insurance Program* (panelist), April 20, 2012

George Washington University Law School, Environmental Law Institute & Center for Progressive Reform (Washington, D.C.)

50th Anniversary of the Clean Water Act, *Compartmentalized Thinking and the Clean Water Act* (panelist), March 23, 2012

Association for Law, Property and Society, Georgetown Law School, Washington, D.C.

ALPS 3rd Annual Meeting, *Water Bankruptcy* (presenter), March 3, 2012

University of Florida Levin College of Law

18th Annual Public Interest Environmental Law Conference, Fishable, Swimmable? 40 Years of Water Law in Florida and the United States, *The Writers Speak: Do Water Books Matter in the Smart Phone Era?* (panelist), February 24, 2012

University of Florida Levin College of Law

18th Annual Public Interest Environmental Law Conference, Fishable, Swimmable? 40 Years of Water Law in Florida and the United States, *Private Rights in Public Waters* (panelist), February 24, 2012

International Symposium, University of Florida

Water, Forests and People: Toward Integrative Research on Dams, Natural Resources and Society in the Amazon, *Dam Licensing in the United States* (presenter), January 23, 2012

Florida State University College of Law (Tallahassee, Florida)

Faculty Colloquium, *Unnatural Disasters* (presenter), October 17, 2011

American Bar Association (Orlando, Florida)

2010 Eastern Water Resources Conference, Surplus and Scarcity: Adapting to Hydrologic Disruption in the East, *Water Law* (plenary presentation, with Heather Elliott), May 20, 2010

University of Denver Water Law Review (Denver)

2010 Symposium, Water Law & Climate Change: Planning in an Uncertain Future, *Water Transfer and the Dormant Commerce Clause* (plenary speaker), April 9, 2010

American Bar Association (San Diego, California)

28th Annual Water Law Conference, *Fissures in Constitutional Bedrock*, (plenary panel), February 19, 2010

Nature Coast Visioning Session (Gainesville, Florida)

Topics in Florida Water Law (speaker), March 6, 2009

Florida Coastal Law School (Jacksonville, Florida)

Northeast Florida Environmental Summit 2008—Water Wars: Use, Conflict, and the Future, *Beyond Water Wars* (keynote speaker), November 6, 2008

University of Florida, Common Reading Program

The Role of Law in Water Allocation (panelist), October 2, 2008

University of Florida Water Institute

Symposium on Sustainable Water Resources, *Water Transfers* (panelist), Feb. 28, 2008

University of Florida Levin College of Law
14th Annual Public Interest Environmental Conference, Reducing Florida's Footprint:
Stepping Up to the Global Challenge, *Water Use and Diversion* (panelist), Mar. 1, 2008

China, Burma, and India Veterans Group (Gainesville, FL)
Environmental Patriotism and Climate Change (speaker), Jan. 9, 2008

University of Florida Environment, Science, and Policy Society
Forum on Regional Water Issues, *Water Transfers* (panelist), December 5, 2007

AEI-Brookings Joint Center for Regulatory Studies (Washington, D.C.)
Judicial Symposium on Scientific Evidence in the Courts, *Climate Change Litigation*
(panelist), June 22, 2007

Washington University and St. Louis University (St. Louis)
Jurisgenesis 2007 (commentator), June 18-19, 2007

Institute for Trade in the Americas, Michigan State University College of Law (Chicago)
Second Annual Conference on Trade and Investment in the Americas, *The Great Lakes
Water Basin* (speaker), December 1-2, 2006

U.S. Forest Service (Daytona, Florida)
Water Resources Management Leadership Training, *Riparian Water Law* (panelist), May 2,
2006

Askew Institute (Orlando, Florida)
How Should Florida's Water Supply Be Managed in Response to Growth? *Overview of
Florida Water Law* (speaker), March 31, 2005

University of Florida College of Law and the Environmental Law Institute
Alternative Grounds: Defending the Environment in an Unwelcome Judicial Climate,
Reconceiving Federalism (respondent), November 12, 2004

University of Florida
Inauguration of the 11th President, Academic Symposium, *On Integrity: Some
Considerations for Water Law* (speaker), September 9, 2004

American Bar Association (Hollywood, Florida)
First Annual Eastern Water Law Conference, *Watershed Management in Florida: Forging a
Link with Land Use Planning* (panelist), May 6, 2004

Women for Wise Growth (Gainesville, Florida)
Inter-Basin Water Transfers: The National Context (panelist), January 28, 2004

Natural Resources Law Teachers Conference (Grand Junction, Colorado)
Are They Still Trying to Take Our Water? – A View from the Great Lakes Basin (panelist),
June 7, 2003

American Water Works Association (Michigan Section)
Ground Water Conference (14th Annual), *Legal Aspects of Great Lakes Basin Diversions* (speaker), February 24, 2003

American Bar Association (San Diego, California)
Annual Water Law Conference, *East Meets West: The Emerging Water Law of the Great Lakes Basin* (keynote speaker), February 21, 2003

Association of American Law Schools (Washington, D.C.)
Annual Meeting, Agricultural Law Section, *The Agricultural Commerce Clause: The Supreme Court's Inconsistent Use of Metaphor* (panelist), January 5, 2003

Institute for Public Policy and Social Research (Michigan State University)
Forum on the Future of the Great Lakes, *Water Diversion and the Great Lakes* (panelist), February 13, 2002

Michigan Department of Environmental Quality
Conference on Water Well Technology, *Water Rights Law* (speaker), January 30, 2002

Georgetown University Law Center (Washington, D.C.)
Environmental Research Workshop, *Preserving Monumental Landscapes Under the Antiquities Act* (speaker), November 8, 2001

Michigan State University Law Review
Forum on Directional Drilling Under the Great Lakes, *A Background History of Directional Drilling in Michigan* (moderator), November 6, 2001

Michigan Environmental Health Association
Conference on Ground Water, *Riparian Water Law: Unresolved Issues* (speaker), October 12, 2001

Central States Law School Association (East Lansing, Michigan)
Annual Meeting, *Riparian Water Law: Is It Adequate in an Age of Global Commerce?* (speaker), October 6, 2001

American Bar Association (Portland, Maine)
Seminar of Appellate Staff Attorneys, *Hot Issues in Environmental Law* (speaker), July 21, 2001

Michigan State University
Conference on Irrigation, *Irrigation Under Riparian Law* (speaker, with Michael Kaplowitz), November 28, 2000

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