

Eight full-time faculty.
Dozens of courses and clinical opportunities.
Countless ways to change the world.

Environmental Law at
Widener University School of Law



“Students in Widener’s Environmental and Natural Resources Law Clinic are helping direct the evolution of environmental law,” says clinic director and associate professor Kenneth Kristl. “They get a chance to litigate and work on complex cases where there often is not much precedent.”

Hands-on Impact

Since the clinic’s founding in 1989, more than 200 Widener law students have helped successfully resolve hundreds of cases. The clinic works with the Mid-Atlantic Environmental Law Center, a public interest law firm located on Widener’s Wilmington, Delaware, Campus. Students provide approximately 1,000 hours of pro bono legal assistance each year.

■ Through the center, students in Widener’s clinic have helped represent more than 50 environmental groups, including:

- American Littoral Society
- Delaware, Potomac, Patapsco, and other Riverkeepers
- Delaware Nature Society
- PennEnvironment
- Friends of Concord Creek
- Sierra Club

■ The center has successfully litigated cases from New York to Puerto Rico and is the only environmental public interest law firm in Delaware.

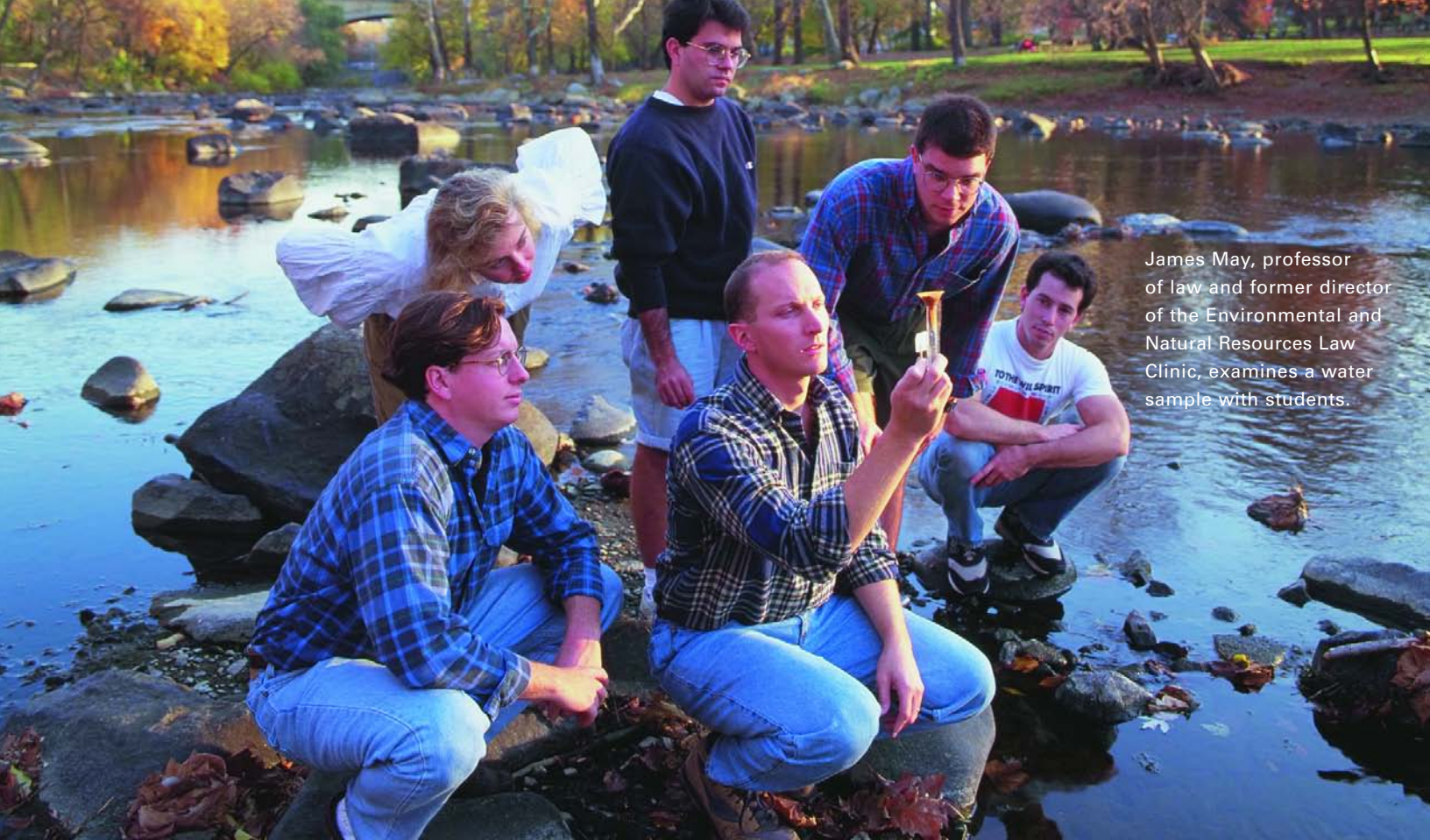
■ Widener’s Environmental and Natural Resources Law Clinic is one of the nation’s oldest, largest, and most active environmental law clinics.

■ Recent cases won by the clinic include:

- An Eleventh Circuit decision forcing the U.S. Environmental Protection Agency (EPA) to examine Florida’s water restoration methods
- A reversal on appeal of a state permit to dredge Delaware’s Assawoman Canal
- A federal consent decree requiring U.S. Fish & Wildlife Service to determine the status of the threatened Florida scrub jay
- A rejection under the Coastal Zone Act of a liquefied natural gas terminal on the Delaware River
- A reversal on appeal of a state permit to discharge into Pennsylvania’s Lizard Creek

Excellence at Work

“Widener students working at the center consistently perform at a high level,” says Mid-Atlantic Environmental Law Center Executive Director, Michael D. Fiorentino, Esq.



James May, professor of law and former director of the Environmental and Natural Resources Law Clinic, examines a water sample with students.



The scope of environmental law is international at Widener, where students and faculty work together to address global environmental and sustainable development issues through overseas summer institutes, scholarship, and public service.

Global Reach

■ Students from around the world have studied international environmental law and trade at Widener's Summer International Law Institutes. Since 1988, Widener's institute in Nairobi, Kenya, has given students the opportunity to learn about international environmental law and Kenyan wildlife management. Since 1996, students in Widener's Sydney, Australia, institute have studied aboriginal rights and effects of climate change on the Great Barrier Reef.

■ Institute students in Kenya come in contact with the Nairobi-based United Nations Environmental Programme, the world headquarters of U.N. efforts to encourage sustainable development through sound environmental policies. They also learn about the work of other environmental groups and non-governmental organizations in Africa.

■ Widener Law School is a charter member of the IUCN—World Conservation Union's Academy of Environmental Law. Professor David Hodas is a member of the IUCN Energy Experts Group, which has authored several books on sustainable energy development. Professor James May is working with IUCN on examining environmental provisions in constitutions from around the world and was a presenter at the inaugural IUCN—American Bar Association (ABA) International Judicial Institute.

■ Professor John Dernbach made several presentations and was part of an ABA delegation to the 2002 World Summit on Sustainable Development in Johannesburg, South Africa.

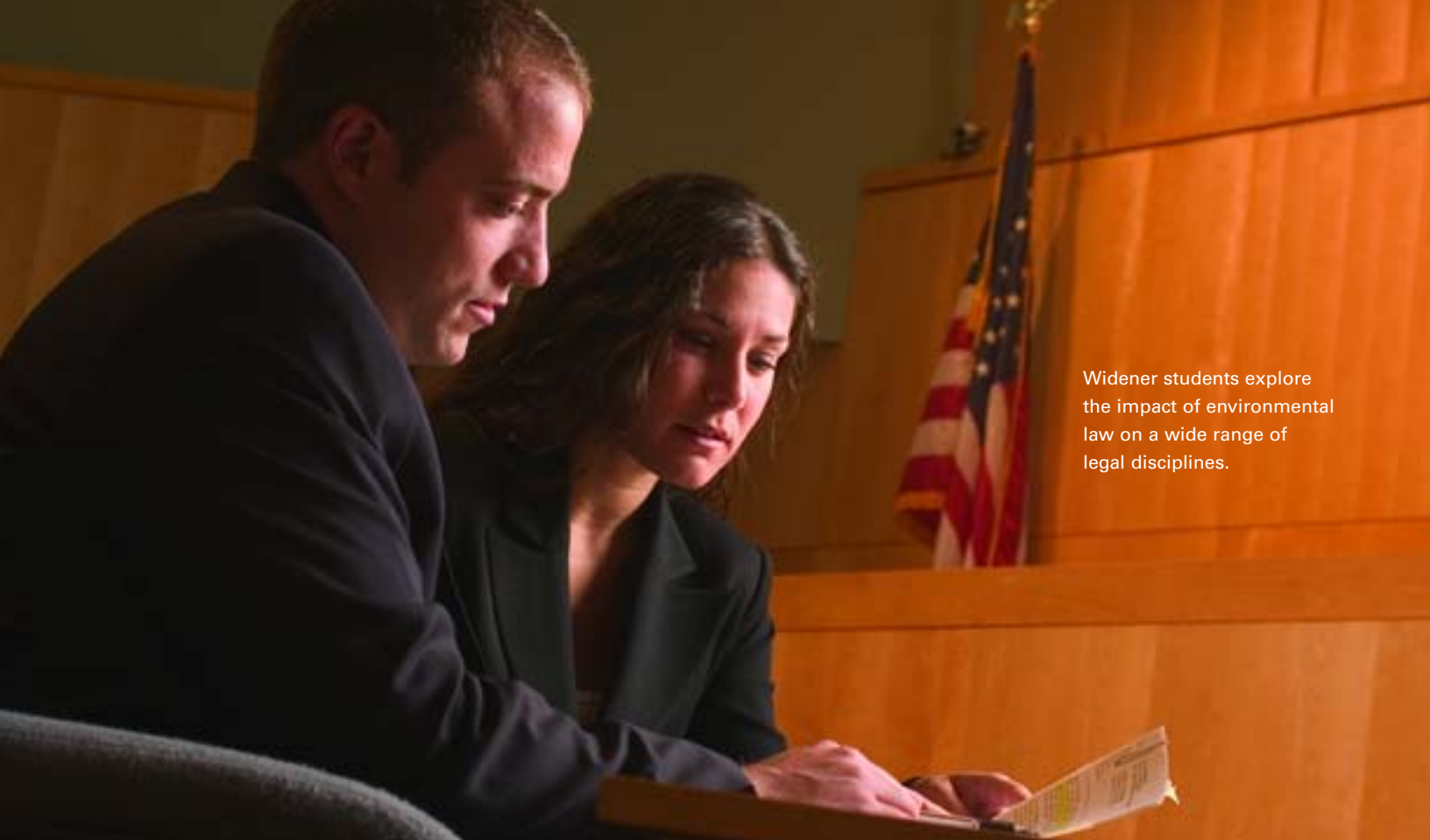
■ In 2001, international law professor Andrew Strauss received national attention when *The New York Times Magazine* included his ideas on litigating international environmental law cases in its annual "Year in Ideas" issue.

"The Kenyan program experience was the greatest thing that I have done in my life."
—Josh Zughish, '06

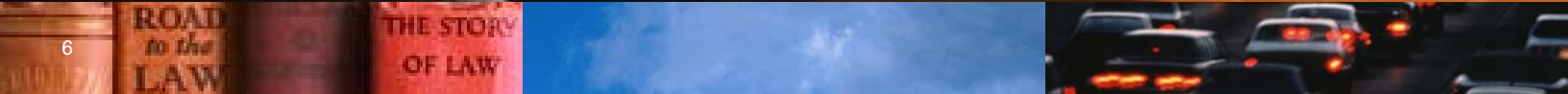
A wide-angle photograph of a savanna landscape during sunset. The sky is a deep orange, and the ground is a mix of green and brown grass. Several acacia trees are scattered across the field, with a few zebras grazing in the foreground. The overall mood is serene and natural.

Since 1988, students from around the world have attended Widener's popular International Law Institute in Nairobi, Kenya, where they have studied international environmental law and Kenyan wildlife management.





Widener students explore the impact of environmental law on a wide range of legal disciplines.



Scholarship broadens Widener's impact. "We're developing a new generation of environmental law that's integral to the law in general," says Professor David Hodas. Professor James May adds, "We explore issues ranging from the intersection of constitutional and environmental law to enforcement in distressed communities."

Setting the Agenda

Through research and scholarship, Widener faculty and students explore the impact of environmental law on such disciplines as land use planning, international and constitutional law, sustainability, and even tax law. They play key policymaking roles at levels ranging from the local to the international, helping to define environmental law in a global legal framework.

Highlights

■ In 2002, Professor John Dernbach edited *Stumbling Toward Sustainability*, a definitive collection of essays examining America's progress toward implementing sustainability goals established during the 1992 Earth Summit in Rio de Janeiro. More recently, Professor Dernbach has served as the head of the Policy Office at Pennsylvania's Department of Environmental Protection while on temporary leave from full-time teaching at Widener's Harrisburg Campus.

■ Known for her research into the connections between tax policy and environmental law, Associate Professor Roberta Mann is a frequent speaker at important conferences and forums.

■ Widener Law School has sponsored or co-sponsored five environmental law symposia, each published in one of Widener's student-edited law reviews:

—The Role of Law in Defining Sustainable Development

- Terrorism in the Environmental Trenches
- Environmental Citizen Suits at Thirtysomething: A Celebration and Summit
- Facing Climate Change: Opportunities and Tools for the States
- Preservation Law: Reinventing the Past

Representative Courses

Environmental Law

Environmental Law Clinic

Energy & Public Utility Law

Land Use Planning

Natural Resources Law

Ocean & Coastal Law

Regulation of Toxic & Hazardous Substances

International Environmental Law

Seminars: Climate Change; Constitutional, Environmental, & Land Use Law; Environmental Justice; Law & Sustainability



Eight full-time faculty members teach environmental law and related courses, placing Widener among the top 10 American law schools when ranked by size and depth of environmental law faculties.



John C. Dernbach is a professor at Widener's Harrisburg Campus, where he teaches property law and a variety of environmental law courses and seminars. His research concentrates on environmental law, climate change, and sustainable development. While on leave from full-time teaching, he has served as director of the Policy Office of the Pennsylvania Department of Environmental Protection. Professor Dernbach co-chairs the Committee on Climate Change, Ecosystems, and Sustainable Development in the Environment, Energy, and Resources Section of the ABA. He is also a member of the executive committee of the Pennsylvania Consortium for Interdisciplinary Environmental Policy. He is a graduate of the University of Michigan Law School, where he was an editor of the *Michigan Journal of Law Reform*.



Jean Macchiaroli Eggen has taught environmental law in addition to torts and civil procedure. A major focus of her teaching and writing is in the area of toxic torts, toxic reproductive and genetic hazards, and scientific evidence. She received her JD magna cum laude from the Syracuse University College of Law, where she served as editor-in-chief of the law review.



David R. Hodas is a professor on the Delaware Campus, where he started the environmental law clinic in 1989. He teaches a variety of environmental law, energy and public utility law, administrative law, and



constitutional law courses and seminars. Professor Hodas serves on the editorial board of *National Resources and Environment*, and he has chaired the Climate Change and Sustainable Development Committee of the ABA's Section of Environment, Energy, and Resources. Through his involvement with the World Conservation Union Academy of Environmental Law, his work has been translated into many languages. Professor Hodas was recently appointed by the governor of Delaware to chair the governor's Energy Advisory Council. He received his JD with honors from Boston University and an LLM in environmental law from Pace University School of Law.



Kenneth T. Kristl is the director of Widener's Environmental and Natural Resources Law Clinic and serves on the

board of directors of the Mid-Atlantic Environmental Law Center. Following a judicial clerkship, Associate Professor Kristl was an environmental law litigator and, in 1994, became a partner in the Chicago law firm of Winston & Strawn. An active member of the ABA's Section of Environment, Energy, and Resources and the Delaware Valley Environmental Inns of Court, Associate Professor Kristl was the valedictorian of his law school class at ITT/Chicago-Kent College of Law, where he was editor-in-chief of the law review.



James R. May is a professor on the Delaware Campus, where he was director of the Environmental and Natural Resources

Law Clinic from 1992 to 2004. He also founded and has served as president and executive director of the Mid-Atlantic Environmental Law Center. He teaches a variety of environmental law courses and seminars, including environmental law for engineers at Widener University's School of Engineering. He also teaches administrative law, civil procedure, and constitutional law. Professor May has served as chair or vice chair of various committees and task forces of the ABA's Section of Environment, Energy, and Resources, and he is chair of the section's Constitutional Law Task Force. He has spoken at dozens of conferences sponsored by the ABA, the American Law Institute, and other organizations.



Professor May has also been a visiting professor at the Georgetown University Law Center and a member of Vermont Law School's summer faculty. He received his JD from the University of Kansas School of Law, where he won a national environmental law moot court championship, and an LLM in environmental law from Pace University School of Law.



John F. Nivala is a professor and director of the Trial Advocacy Institute at the Delaware Campus. In addition to litigation-related

courses, Professor Nivala teaches and writes about land use planning and its relation to environmental law and historic preservation. He received his JD from the University of Michigan Law School and an LLM from Temple University.



Thomas J. Reed teaches and writes in the areas of land use planning and property, in addition to teaching and writing on litigation-related subjects. He organized a major symposium on historic preservation and directs Widener's Veteran's Assistance Clinic in conjunction with Delaware Volunteer Legal Services, Inc. His JD is from Notre Dame Law School, where he served on the law review.



Serena M. Williams joined Widener's faculty in 2004 after serving on the faculty of the University of Louisville School of Law. She has taught property law, environmental law, land use planning, and a seminar on environmental justice. While in Louisville, Professor Williams

served as a commissioner on the Kentucky Environmental Quality Commission and as a member of the Kentucky Institute for the Environment and Sustainable Development. She received her JD from the Georgetown University Law Center and an LLM in land use management and control from George Washington University.

Additional Faculty Expertise

Other members of the Widener University School of Law faculty also contribute to environmental law scholarship. Professor **Erin Daly** has written about environmental justice. Professor **J. Patrick Kelly**, who frequently teaches at Widener's Nairobi institute, focuses his current scholarship on trade and the environment. Associate Professor **Roberta F. Mann** writes extensively about the intersection of environmental law and tax policy. Professor **Andrew L. Strauss** has written numerous articles on international aspects of environmental law.

Through teaching, scholarly writings, symposia, public service, and pro bono representation, the Widener University School of Law is helping shape the direction of environmental law throughout the region, around the world, and into the future.

Selected Faculty Publications

The following is a sampling of more than 100 books, articles, chapters, and other publications on the subject of environmental law from the faculty of Widener University School of Law.

Erin Daly

New Hurdles for Environmental Justice Plaintiffs, 17 NAT. RESOURCES & ENV'T 18 (2002).

John C. Dernbach

ed., STUMBLING TOWARD SUSTAINABILITY (2002).

Natural Resources and the Public Estate, in THE PENNSYLVANIA CONSTITUTION: A TREATISE ON RIGHTS AND LIBERTIES (Ken Gormley, et al, eds. 2004).

Making Sustainable Development Happen: From Johannesburg to Albany, 8 ALB. L. ENVTL. OUTLOOK 173 (2004).

Citizen Suits and Sustainability, 10 WIDENER L. REV. 503 (2004).

Achieving Sustainable Development: The Centrality and Multiple Facets of Integrated Decisionmaking, 10 IND. J. GLOBAL LEGAL STUD. 247 (2003).

Sustainable versus Unsustainable Propositions, 53 CASE W. RES. L. REV. 449 (2002).

and the Widener University Seminar on Global Warming, *Moving the Climate Change Debate from Models to Proposed Legislation: Lessons from State Experience*, 30 ENVTL. L. REP. 10,933 (2000).

The Unfocused Regulation of Toxic and Hazardous Pollutants, 21 HARV. ENVTL. L. REV. 1 (1997).

Jean M. Eggen

TOXIC TORTS IN A NUTSHELL (1995, 2d ed. 2000).

Toxic Torts and Causation: The Challenge of Daubert After the First Decade, 17 NAT. RESOURCES & ENV'T 213 (2003).

David R. Hodas

et al, eds., ENVIRONMENTAL COSTS OF ELECTRICITY (1990).

Sustainable Development and the Marrakech Accords in THE LAW OF ENERGY FOR SUSTAINABLE DEVELOPMENT (A. J. Bradbrook et al, eds. 2005).

Energy, Climate Change and Sustainable Development in ENERGY LAW AND SUSTAINABLE DEVELOPMENT (A. J. Bradbrook et al, eds. 2003).

State Law Responses to Global Warming: Is it Constitutional to Think Globally and Act Locally?, 21 *PACE ENVTL. L. REV.* 53 (2003).

Standing and Climate Change: Can Anyone Complain About the Weather?, Symposium on Global Warming, 9 *J. TRANSACTIONAL L. AND POLICY* 451 (2000).

NEPA, Ecosystem Management and Environmental Accounting, 14 *NAT. RESOURCES, ENERGY & ENV'T* 185 (2000).

Enforcement of Environmental Law in a Triangular Federal System, 54 *MD. L. REV.* 1552 (1995).

Kenneth T. Kristl

and Jennifer T. Nijman, *Coordination of a Large Environmental Permitting Effort*, 16 *NAT. RESOURCES & ENV'T* (2001).

Roberta F. Mann

On the Road Again: How Tax Policy Drives Transportation Choice, 24 *VA. TAX REV.* 587 (2005).

Tax Incentives for Historic Preservation: An Antidote to Sprawl?, 8 *WIDENER L. SYMP. J.* 207 (2002).

Waiting to Exhale?: Global Warming and Tax Policy, 51 *AM. U. L. REV.* 1135 (2002).

James R. May

The Availability of State Environmental Citizen Suits, 18 *NAT'L RES. & ENV.* 53 (2004).

The Rise and Repose of Assimilation-Based Water Quality, Part I: TMDL Litigation, 34 *ENVTL. L. REP.* 10,247 (2004).

Discharges from Historic Mining Properties: Asserting and Defending Citizen Suits Under the Clean Water Act, 50 *ROCKY MT. MIN. L. INST.* 23-1 (2004).

Now More Than Ever: Trends in Environmental Citizen Suits at 30, 10 *WIDENER L. REV.* 1 (2003).

Where the Water Hits the Road: Recent Developments in Clean Water Act Litigation, 33 *ENVTL. L. REP.* 10,369 (2003).

Of Development, daVinci and Domestic Legislation: The Prospects for Sustainable Development in Asia and its Untapped Potential in the United States, 3 *WIDENER L. SYMP. J.* 197 (1998).

and Maya K. Van Rossum, *The Quick and the Dead: Fish Entrainment, Entrapment, and the Application of Section 316(b) of the Clean Water Act*, 20 *VT. L. REV.* 373 (1995).



John F. Nivala

The Landscape Art of Daniel Urban Kiley, 29 WM. & MARY ENVTL. L. & POL'Y REV. 267 (2005).

Preservation is Process: The Designation of Dream Garden as a Historic Object, 8 WIDENER L. SYMP. J. 237 (2002).

Saving the Spirit of Our Places: A View on Our Built Environment, 15 UCLA J. ENVTL. L. & POL'Y 1 (1997).

Andrew L. Strauss

The Legal Option: Suing the United States in International Forums for Global Warming Emissions, 33 ENVTL. L. REP. 10185 (2003).

From Gattzilla to the Green Giant: Winning the Environment Battle for the Soul of the World Trade Organization, 19 U. PA. J. INT'L ECON. L. 679 (1998).

Serena M. Williams

Sustaining Urban Green Spaces: Can Public Parks Be Protected Under the Public Trust Doctrine? 10 S.C. ENVTL. L.J. 23 (2002).

In Search of Neighborhood Nightmares: The Duty of Builders and Developers to Disclose Off-Site Environmental Conditions, 12 J. NAT. RESOURCES & ENVTL. L. 1 (1997).

The Anticipatory Nuisance Standard: One Common Law Theory for Use in Environmental Justice Cases, 19 WM. & MARY ENVTL. L. & POL'Y REV. 223 (1995).

“Students want to learn from people with real world experience. And reality informs what I teach about environmental law,” says Professor John C. Dernbach, who serves as director of the Policy Office of the Pennsylvania Department of Environmental Protection and teaches at the Harrisburg Campus.



The Rising Generation

Graduates specializing in environmental law make a difference throughout the region, across the country, and around the world. Recent graduates include:

- Antoinette T. Flora, '04, Project Manager, Clean Air Council, Harrisburg, PA
- Dan Gallo, '94, Attorney, U.S. Environmental Protection Agency, Philadelphia, PA
- Stephanie L. Hansen, '00, Associate, Young, Conaway, Stargatt & Taylor, Wilmington, DE
- Carole Hendrick, '94, Senior Attorney, Delaware Riverkeeper Network
- Gary L. Hepford, '97, Counsel, Pennsylvania Department of Environmental Protection, Harrisburg, PA
- Randall G. Hurst, '99, Associate, Mette, Evans & Woodside, Harrisburg, PA
- Thomas A. Linzey, '95, Attorney, Community Environmental Legal Defense Foundation, Harrisburg, PA
- MaryAnn Manley, '93, Legal Editor, Bureau of National Affairs Environmental Due Diligence Guide, Washington, DC
- Jennifer Murphy, '02, Staff Attorney, Mid-Atlantic Environmental Law Center, Wilmington, DE
- Blaine Phillips, '95, Delaware Director, Conservation Fund, Centerville, PA
- Lesley-Anne Schaaff, '93, Attorney, U.S. Environmental Protection Agency, Washington, DC
- Russell Shearer, '92, Principal Deputy Assistant Secretary, Office of Environment, Safety & Health, U.S. Department of Energy, Washington, DC
- Monica Sheets, '92, Colorado Department of Public Health & Environment, Denver, CO
- James Stuhltrager, '98, Deputy Staff Judge Advocate, Pennsylvania Air National Guard, Annville, PA
- Maya van Rossum, LLM '94, Director, Delaware Riverkeeper Network
- William Wehrum, '94, Principal Assistant Administrator, Office of Air and Radiation, U.S. Environmental Protection Agency, Washington, DC

Learn More at www.law.widener.edu

Explore programs, read more about faculty, discover Widener's campuses, and apply, all online at www.law.widener.edu.

In her environmental justice seminar, Professor Serena Williams examines discrimination and equity issues that arise in environmental law. "I want students to look at environmental law issues through a social lens," she explains.



Widener University School of Law

4601 Concord Pike
P.O. Box 7474
Wilmington, DE 19803-0474

*Printed on 100% recycled paper with
30% post-consumer fiber and chlorine-
free processing using soy-based inks.*

NONPROFIT ORG
U.S. POSTAGE
PAID
WILMINGTON, DE
PERMIT NO. 321