

## JOHN COPELAND NAGLE

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16810 Rockridge Court  
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## PROFESSIONAL EXPERIENCE

- 1998-present **Notre Dame Law School**, Notre Dame, Indiana  
*John N. Matthews Chair of Law (2005-present); Associate Dean for Faculty Research (2004-2007); Professor (2001-2005); Associate Professor (1998-2001).* Teaching environmental law, pollution law, biodiversity and the law, legislation, election law, constitutional law, and property. Served as vice chair of the Appointments and Promotions Committees. Responsible for the development of faculty scholarship and research projects.
- 2008 **University of Hong Kong**, Hong Kong  
Recipient of a Distinguished Lectureship award from the J. William Fulbright Foreign Scholarship Board to lecture regarding environmental law, election law, and religion and the law at the university and in other venues in Hong Kong, China, and southeast Asia.
- 2002 **Tsinghua University Law School**, Beijing, People's Republic of China  
Recipient of a Distinguished Lectureship award from the J. William Fulbright Foreign Scholarship Board to teach environmental law and property law during the spring semester.
- 1994-1998 **Seton Hall University School of Law**, Newark, New Jersey  
*Associate Professor.* Taught environmental law, legislation, torts, constitutional law, international environmental law, and hazardous wastes. Published writings in areas of statutory interpretation and environmental law.
- 1991-1994 **United States Department of Justice**, Washington, D.C.  
*Trial Attorney, Environment & Natural Resources Division, Environmental Defense Section.* Represented the federal government in environmental litigation in the federal courts of appeals and district courts, including five appellate oral arguments. Cases raised a variety of issues of environmental law, administrative law, federal court jurisdiction, and civil procedure presented by challenges to regulations and actions of the Environmental Protection Agency and by allegations that other federal

agencies were in violation of environmental laws.

- 1988-1991 **United States Department of Justice**, Washington, D.C.  
*Attorney-Advisor, Office of Legal Counsel.* Drafted formal and informal opinions on a wide range of constitutional and federal statutory questions submitted by executive branch departments. Reviewed proposed legislation for separation of powers and other constitutional problems. Assisted with litigation in the United States Supreme Court and in the federal courts of appeals. Provided advice regarding the restrictions of the federal conflict of interest laws.
- 1986-1987 **The Honorable Deanell Reece Tacha, United States Court of Appeals for the Tenth Circuit**, Lawrence, Kansas  
*Judicial Law Clerk.* Assisted in researching cases before the court and in drafting opinions. Worked on four cases subsequently reviewed by the United States Supreme Court raising issues of civil procedure, criminal law, administrative law and employment discrimination.
- 1985-1986 **Professor Mark Van Putten**, University of Michigan, Ann Arbor, Michigan  
*Research Assistant.* Aided the director of an environmental law clinic in research for *The Dilution of the Clean Water Act*, 19 U. MICH. J.L. REF. 863 (1986).
- 1985 **Business and Professional People for the Public Interest**, Chicago, Illinois  
*Intern.* Worked with attorneys in litigation before the state public utilities commission concerning the costs of a nuclear power plant.
- 1981-1984 **Argonne National Laboratory**, Argonne, Illinois  
*Scientific Assistant, Energy and Environmental Systems Division.* Wrote several published reports and environmental impact statements analyzing the environmental, social, demographic and economic effects of energy and industrial development. Served as a federal evaluator of exercises testing the capability of local government officials to respond to nuclear power plant emergencies. Collected and organized data detailing the constraints on oil and gas development in the Rocky Mountain region for use in a computer retrieval system.
- 1981 **Office of Senator Mark O. Hatfield**, Washington, D.C.  
*Intern.* Participated in drafting and advocating legislation to establish a national energy and environmental foresight capacity to set uniform national waterway user charges. Responded to constituent mail and completed diverse writing and research projects.

## BOOKS

LAW'S ENVIRONMENT: HOW THE LAW AFFECTS THE ENVIRONMENT (forthcoming Yale University Press 2009)

THE LAW OF PROPERTY: CASES AND MATERIALS FOR THE TWENTY-FIRST CENTURY (Aspen Press 2d ed. 2008) (with James C. Smith, Edward J. Larson & John A. Kidwell)

THE PRACTICE AND POLICY OF ENVIRONMENTAL LAW (Foundation Press 2007) (with J.B. Ruhl & James Salzman)

THE LAW OF BIODIVERSITY AND ECOSYSTEM MANAGEMENT (Foundation Press 2d ed. 2006) (with J.B. Ruhl)

THE LAW OF PROPERTY: CASES AND MATERIALS FOR THE TWENTY-FIRST CENTURY (Aspen Press 2004) (with James C. Smith, Edward J. Larson & John A. Kidwell)

QUESTIONS AND ANSWERS ON PROPERTY (LEXIS Publishing 2003)

THE LAW OF BIODIVERSITY AND ECOSYSTEM MANAGEMENT (Foundation Press 2002) (with J.B. Ruhl)

## LAW REVIEW PUBLICATIONS

*The Evangelical Debate Over Climate Change*, 5 University of St. Thomas Law Journal 53 (2008)

*From Swamp Drainage to Wetlands Regulation to Ecological Nuisances to Environmental Ethics*, 58 Case Western Reserve Law Review 787 (2008)

*The Spiritual Value of Wilderness*, 36 Environmental Law 955 (2005)

*The Appearance of Election Law*, 31 Journal of Legislation 37 (2004)

*How Not to Count Votes*, 104 Columbia Law Review 1732 (2004)

*Biodiversity and Mom*, 30 Ecology Law Quarterly 991 (2004)

*The Lame Ducks of Marbury*, 20 Constitutional Commentary 317 (2004)

*Voter's Intent and Its Discontents*, 19 Constitutional Commentary 483 (2003)

*Textualism's Exceptions*, Issues in Legal Scholarship, Dynamic Statutory Interpretation, Article 15. <http://www.bepress.com/ils/iss3/art15> (2002)

*Choosing the Judges Who Choose the President*, 30 Capital University Law Review 499 (2002)

*Voluntary Campaign Finance Reform*, 85 Minnesota Law Review 1809 (2001)

*Moral Nuisances*, 50 Emory Law Journal 265 (2001)

*Corruption, Pollution, and Politics*, 109 Yale Law Journal 293 (2000)

*The Worst Statutory Interpretation Case in History*, 94 Northwestern Law Review 1445 (2000)

*The Recusal Alternative to Campaign Finance Reform*, 37 Harvard Journal on Legislation 69 (2000)

*The Commerce Clause Meets the Delhi Sands Flower-Loving Fly*, 97 Michigan Law Review 174 (1998)

*Endangered Species Wannabees*, 47 Seton Hall Law Review 235 (1998)

*Playing Noah*, 82 Minnesota Law Review 1171(1998)

*A Twentieth Amendment Parable*, 72 New York University Law Review 470 (1997)

*CERCLA's Mistakes*, 38 William & Mary Law Review 1405 (1997)

*Delaware & Hudson Revisited*, 72 Notre Dame Law Review 1495 (1997)

*Why Chinese Wildlife Disappears as CITES Spreads*, 9 Georgetown International Environmental Law Review 435 (1997)

*Direct Democracy and Other Hastily Enacted Statutes*, 1996 Annual Survey of American Law 535 (1996)

*Corrections Day*, 43 UCLA Law Review 1267 (1996)

*The Missing Chinese Environmental Law Statutory Interpretation Cases*, 5 New York University Environmental Law Journal 517 (1996)

*Waiving Sovereign Immunity in an Age of Clear Statement Rules*, 1995 Wisconsin Law Review 771 (1995)

*Newt Gingrich, Dynamic Statutory Interpreter*, 143 University of Pennsylvania Law Review 2209 (1995)

*CERCLA, Causation, and Responsibility*, 78 *Minnesota Law Review* 1493 (1994)

*Severability*, 72 *North Carolina Law Review* 203 (1993)

## BOOK CHAPTERS

*Christianity and Environmental Law*, in ANGELA CARMELA, ROBERT COCHRAN & MICHAEL MCCONNELL, *CHRISTIAN PERSPECTIVES ON THE LAW* (Yale University Press 2001)

*Use of Land Serving as Habitat for Rare Wildlife and Plants*, in DAVID D. FURMAN, *CASEBOOK ON ZONING, PLANNING & LAND USE LAW IN NEW JERSEY* 361 (1996 ed)

*Landowner Responsibility for the Cleanup of Hazardous Wastes*, in DAVID D. FURMAN, *CASEBOOK ON ZONING, PLANNING & LAND USE LAW IN NEW JERSEY* 363 (1996 ed).

## OTHER PUBLICATIONS

*Abraham Lincoln, Sonny Bono, and the Future of Intellectual Property Law*, *BOOKS & CULTURE* (forthcoming 2009)

*The Lessons of a 609 Year Old Code*, *BOOKS & CULTURE* (forthcoming 2009)

*When the Sky Was Orange*, *BOOKS & CULTURE* (2005)

*The Meaning of the Prohibition on Taking an Endangered Species*, *Briefly . . . Perspectives on Legislation, Regulation, and Litigation*, vol. 1, no. 9 (Sept. 1998)

*The Rule of Law in Mainland China*, 14 *American Asian Review* 147 (1996)

*Use of Land Serving as Habitat for Rare Wildlife and Plants*, in DAVID D. FURMAN, *CASEBOOK ON ZONING, PLANNING & LAND USE LAW IN NEW JERSEY* 361 (1996 ed)

*Landowner Responsibility for the Cleanup of Hazardous Wastes*, in DAVID D. FURMAN, *CASEBOOK ON ZONING, PLANNING & LAND USE LAW IN NEW JERSEY* 363 (1996 ed).

*Employment Benefits of Urban Synfuels Facilities*, Argonne National Laboratory Report ANL/EES-TM-201 (June 1984) (with D. Wernette, K. McCarthy & D. South)

*Areawide and Local Effects of Tar Sands Development at the Sunnyside Site in Utah: A*

*Socioeconomic Analysis*, Argonne National Laboratory Report ANL/EES-TM-249 (Apr. 1984) (with D.W. South, J.W. Nagle, K.J. Rose & R.C. Winter)

*Indian Point Nuclear Power Station: Verification Analysis of County Radiological Emergency Response Plans*, Argonne National Laboratory Report ANL/EES-TM-228 (May 1983) (with R. Whitfield)

*Regional Socioeconomic Analysis of Tar Sands Development in Utah*, Argonne National Laboratory Report ANL/EES-TM-245 (July 1983) (with D. South, J.W. Nagle, & R.C. Winter)

## EDUCATION

1983-1986     **University of Michigan Law School**, Ann Arbor, Michigan  
*J.D. cum laude, 1986.* Graduated with honors. Prepared independent study paper for Professor Frederick Schauer examining the role of stare decisis in constitutional law.

1978-1982     **Indiana University**, Bloomington, Indiana  
*B.A. with High Distinction, Political Science and Environmental Science, 1982.* Graduated with Departmental Honors in Political Science upon completion of a thesis analyzing the “Sagebrush Rebellion” against federal land ownership in the western United States.

## PRESENTATIONS

Invited to speak on “Controlling China’s Pollution” as the Byker Chair Lecture at Calvin College, Grand Rapids, Michigan, March 2009

Spoke on “The Effectiveness of Biodiversity Law” as the Distinguished Lecture in Environmental Law at the Florida State University School of Law, Tallahassee, Florida, October 2008

Spoke on “How China’s Christians Can Heal China’s Environment” at the China Challenge Conference, Boston, Massachusetts, October 2008

Spoke on the relationship between Christianity and environmental law to the Harvard Law School Christian Legal Society, Boston Massachusetts, October 2008

Spoke on “Humility and Environmental Law” at the Boston University School of Law, Boston, Massachusetts, October 2008

Spoke on “How Technology Changes the Law: The Cases of Pollution, Pornography, and Trademarks” at the City University of Hong Kong, Hong Kong, June 2008

Spoke on “Why Courts Decide Elections” at the School of Legal Studies, Guangdong University of Foreign Studies, May 2008

Spoke on “Pornography Polluting the Internet” at the Graduate School at Shenzhen, Tsinghua University, Shenzhen, People’s Republic of China, May 2008

Spoke on “The Values That Make Environmental Law” at the Chinese University of Hong Kong, Hong Kong, May 2008

Spoke on the right of publicity to the Hong Kong chapter of the American Chamber of Commerce, Hong Kong, May 2008

Spoke on “The American Response to Global Warming” and “Why Courts Decide Elections” at Shenzhen University, People’s Republic of China, April 2008

Spoke on “Law’s Environment: Stories of How American Environmental Law Actually Works” and “The Role of Religion in Environmental Law” at Shantou University, People’s Republic of China, April 2008

Spoke on “How the Law Protects Biodiversity, and How It Doesn’t” at the Institute of Biodiversity and Environmental Conservation, Universiti Malaysia Sarawak, Sarawak, Malaysia, April 2008

Spoke on “Law’s Environment: How the Law Affects the Environment” and “Pornography as Pollution” at the Southwest University School of Law, Chongqing, China, April 2008

Participated in a roundtable discussion of Chinese law with Professor Sun Wanzhong, former Director General of the Bureau of Legislative Affairs of the State Council of the People’s Republic of China, Hong Kong, February 2008

Lectured on “The Law of Penguins” and “Religious Perspectives on Climate Change” aboard Le Diamant, Antarctica, January 2008

Presented a paper entitled “Will the Next President Rejoin the Kyoto Protocol? at the Institute on Religion & Democracy’s conference “God is Great. Is God Green?”,

Washington, D.C., November 2007

Spoke on fisheries management and on Chinese environmental law at the Foundation for Research on Economics & the Environment (FREE)'s conference "Environmental Stewardship: A Program for Religious Leaders," West Yellowstone, Montana, September 2007

Spoke on "The Road to Passionate and Principled Service in the Academy" for the Blackstone Legal Fellowship, Phoenix, Arizona, August 2007

Spoke on land management in North Dakota's badlands at the Foundation for Research on Economics & the Environment (FREE)'s conference "Environmental Stewardship: An Exploratory Program for Religious Leaders," Gallatin Gateway, Montana, June 2007

Presented a paper on the role of narrative in environmental law at the University of Colorado Natural Resource Law Center's 25th Anniversary Summer Conference, Boulder, Colorado, June 2007

Presented a paper on the evangelical perspective on global warming at the University of Minnesota's MacLaurin Institute's conference on Christianity and the environment, Minneapolis, Minnesota, September 2006

Presented a paper on the Christian perspective on animal rights at the Kindred Spirits conference, Bloomington, Indiana, September 2006

Presented a faculty colloquium on pollution control techniques at the William Mitchell College of Law, April 2006

Spoke on environmental prophecy at the annual meeting of the Law Professors' Christian Fellowship, Washington, D.C., January 2006

Presented two papers on "The Spiritual Values of Wilderness" and "Voting for Preservation" at the Eighth World Wilderness Conference, Anchorage, Alaska, October 2005

Presented a faculty colloquium on the effects of environmental law at the DePaul University School of Law, Chicago, Illinois, October 2005

Presented a paper on "Judge Roberts and the Hapless Toad" for the Dallas ABA Environmental Section, Dallas, Texas, September 2005

Spoke on teaching property law at the annual conference of the Southeastern Association of Law Schools, Hilton Head, South Carolina, July 2005

Presented a paper on the congressional role in wilderness designations at the Rocky Mountain Mineral Law Foundation's Natural Resource Law Professors biannual conference, Santa Fe, New Mexico, June 2005

Presented a paper on "The Spiritual Value of Wilderness" at "The Law of Capture" conference at the Lewis & Clark Law School, Portland, Oregon, April 2005

Presented a paper on "Pollution and the Place of Religion" at the Annual Meeting of the American Association of Law Schools, San Francisco, California, January 2005

Spoke on "Second Generation Solutions to Second Generation Environmental Problems," Temple University School of Law, July 2004

Spoke on moral nuisances at the American Association of Law Schools Property Conference, Portland, Oregon, June 2004

Spoke on environmental law in China at the American Association of Law Schools Environmental Law Conference, Portland, Oregon, June 2004

Presented a paper on "Understanding Wilderness" at the ICASS V conference, Fairbanks, Alaska, May 2004

Presented a paper on "What Environmental Law Can Learn from Pollution" at the 2003 Notre Dame Environmental Education and Research symposium, November 2003

Presented a paper on pollution control techniques to the faculty of the Northwestern University School of Law, September 2003

Spoke about environmental law in China at the Rocky Mountain Mineral Law Foundation's Natural Resource Law Professors biannual conference, Grand Junction, Colorado, June 2003

Participated in the "Innovations in Species Management" sponsored by the United States Forest Service, Oregon State University, and numerous other organizations in Portland, Oregon, April 2003

Spoke about the role of environmental law in China at the University of Toledo School of Law, April 2003

Presented a paper on the definition of pollution at the Emory University School of Law, March 2003

Presented a paper on the lame ducks of *Marbury* at a symposium celebrating the 200th anniversary of *Marbury v. Madison* at the University of Minnesota School of Law, February 2003

Presented a paper on Christianity and environmental law, Christian Legal Society National Convention, Savannah, Georgia, November 2002

Presented a paper on the solution to pollution at the Loyola University (Chicago) Law School, October 2002

Presented a paper on the definition of pollution at the University of Georgia Law School, September 2002

Presented a paper on causation, culpability, and pollution at the University of San Diego Law School, July 2002

Participated in a symposium on Chinese property law at Tsinghua University Law School, Beijing, China, June 2002

Presented a paper on President Bush's alternative to the Kyoto Protocol at the East China School of Politics and Law, Shanghai, China, April 2002

Presented a paper on the meaning of pollution at the University of Nevada - Las Vegas School of Law, November 2001

Presented a paper on John Calvin, the Taliban, and the idea of pollution at the Wilberforce Forum conference on Christian worldviews, Notre Dame, Indiana, October 2001

Presented a paper on the meaning of "pollution" at the annual meeting of the Law and Society Association, Budapest, Hungary, July 2001

Presented a paper on the role of nuisance law at the American Society for Environmental History's annual conference, Durham, North Carolina, March 2001

Participated in a symposium on the freedom of expressive association at the Minnesota Law School, February 2001

Participated in a symposium on judicial elections at the Capital University Law School, January 2001

Presented a faculty colloquium on environmental, noise, and cultural pollution at the UCLA School of Law, October 2000

Presented a faculty colloquium on comparing pollution at the Minnesota Law School, September 2000

Spoke on environmental and cultural pollution to the University of Illinois Environmental Law Society, March 2000

Spoke on environmental, cultural and spiritual pollution at the Law Professors Christian Fellowship conference, Washington, D.C., January 2000

Spoke on environmental and cultural pollution to the current events class at the Malta (Illinois) High School, December 1999

Participated on a panel discussing the use of text, canons, default rules, and extrinsic evidence in interpreting statutes, contracts and wills, American Association of Law Schools Annual Meeting, Section on Legislation, January 1999

Presented a faculty workshop on reading statutes to avoid constitutional problems, Pepperdine Law School, October 1998

Presented a legal theory workshop on the application of the commerce clause to the Endangered Species Act at the Notre Dame Law School, February 1998

Presented a legal theory workshop on the application of the commerce clause to the Endangered Species Act at the University of Minnesota Law School, February 1998

Spoke on the Endangered Species Act at the Fifth Prairie Conservation and Endangered Species Workshop, Saskatoon, Saskatchewan, February 1998

Spoke on the implications of the story of Noah for the Endangered Species Act at the Benjamin N. Cardozo School of Law, New York, New York, September 1997

Spoke on reading statutes to avoid constitutional problems at the University of San Diego School of Law, San Diego, California, March 1997

Spoke on the interpretation of hastily enacted statutes at a New York University School of

Law symposium on the Legitimacy of Direct Democracy: Ballot Initiatives and the Law, New York, New York, November 1996

Spoke on environmental enforcement and the federal Superfund law at the annual meeting of the American Chemical Society, Orlando, Florida, August 1996

Spoke on the interpretation of the federal Superfund law at a University of Oregon Law and Entrepreneurship Center conference on Environmental Issues in Business Transactions, Beaverton, Oregon, April 1996

Spoke on the American judicial system and U.S. products liability law at Human Normal University, Changsha, People's Republic of China, August 1995

Spoke on U.S. environmental law and U.S. products liability law, Wuhan University, Wuhan, People's Republic of China, August 1995

Spoke on the U.S. judicial system and U.S. tort law at the Qingdao Law Office of Economic Affairs, Qingdao, People's Republic of China, July 1995

Spoke on strict liability and guns at a Seton Hall University School of Law Legislative Bureau symposium on Triggering Liability: Should Manufacturers, Distributors, and Dealers Be Held Accountable for the Harm Caused by Guns?, Newark, New Jersey, March 1995

Spoke on environmental problems at federal facilities at the Judicial Conference for the United States Court of Appeals for the Tenth Circuit in Denver, Colorado, August 1994

## HONORS & ACTIVITIES

Executive Committee, Section on Legislation, American Association of Law Schools

Vice Chair, Endangered Species Committee, American Bar Association Section on Natural Resources, Energy, and Environmental Law

Education Committee, Christian Environmental Council

U.S. Department of Justice Meritorious Award

Lawyer's Cooperative Publishing Company Book Award in Civil Procedure, University of Michigan

Certificate in Merit in International Law, University of Michigan Law School

Phi Beta Kappa

Wendell L. Willkie Award and Wendell L. Willkie Book Award for outstanding achievement in political science, Indiana University

Member of the bar of the State of Kansas and of the United States Courts of Appeals for the D.C., Ninth, Tenth, and Eleventh Circuits

Chair, Young Life Michiana area committee

Elder, New Providence Presbyterian Church

Member, South Bend Christian Reformed Church