Keynote Speaker

Senator Eliot Shapleigh
Attorney and State Senator, D-El Paso

The University of Houston Law Center proudly hosts The Honorable Eliot Shapleigh as the keynote speaker of the Climate Change, Water & Adaptive Law Symposium presented by the Environmental & Energy Law & Policy Journal.

Senator Shapleigh currently represents the state's 29th Senatorial District, which comprises the majority of El Paso County. Senator Shapleigh was born and raised in El Paso. He has lived and traveled extensively in Mexico, and he is a fluent Spanish speaker today. Senator Shapleigh graduated from Rice University in 1974 and served in the Peace Corps in Sierra Leone, West Africa until 1977. He then attended the University of Texas School of Law, graduating in 1981. In 1983, Senator Shapleigh founded his own law firm with two partners and today is the managing partner of the Shapleigh Law Firm, PC.

District 29, which Senator Shapleigh has represented since 1996, is a culturally diverse mix of hard working families, small businesses and young people. As a fifth-generation El Pasoan whose roots in the community trace back to 1847, Senator Shapleigh's strong connection to his district has inspired creative community-based leadership. He is dedicated to increasing equity in state funding, ensuring fairness in state taxation, expanding educational opportunities for minority and low-income students, and developing community solutions for health, safety, and environmental issues. As an advocate for El Paso and other border communities, he is also interested in raising per capita income and boosting economic prosperity along the Texas-Mexico border.

In June 2009, Senator Shapleigh completed his seventh legislative session. During his tenure, he has authored more than 600 bills related to education, economic development, environment, health, infrastructure, technology, and veteran affairs. As a result of his commitment to Texas' defense communities and military heritage, Senator Shapleigh was appointed Chair of the Subcommittee on Base Realignment and Closure in 2004 and continues to lead that subcommittee. He also serves as Vice Chair of the Veteran Affairs & Military Installations Committee and is a member of the Health & Human Services, Nominations, and Transportation & Homeland Security Committees.
**VISITING SYMPOSIUM FACULTY ADVISOR**

**Craig Anthony (Tony) Arnold**  
Boehl Chair in Property & Land Use  
Chair of the Center for Land Use & Environmental Responsibility  
University of Louisville, Brandeis School of Law and School of Urban & Public Affairs  
Visiting Professor, Spring Semester 2010, University of Houston Law Center  

**Adaptive Watershed Planning at the Intersection of Climate Change, Water, Land Use, and Law**

Professor Arnold examines the roles, legal and non-legal, that adaptive planning at watershed levels is taking or could take as U.S. institutions and communities attempt to adapt to climate change’s impacts on both water and land use.

Professor Arnold is an internationally recognized interdisciplinary scholar in water law and policy, land use planning and law, property rights, and environmental law and conservation. His books include *Wet Growth: Should Water Law Control Land Use?*, *Beyond Litigation: Case Studies in Water Rights Disputes*; and the co-authored and EPA-funded *Kentucky Wet Growth Tools for Sustainable Development: A Handbook on Land Use and Water for Kentucky Communities*. His current work is on the adaptability of legal, policy, and social institutions to complex problems at the intersection of water, land use, and climate change. Arnold previously practiced with the San Antonio firm of Matthews & Branscomb, where he was the city attorney for two Texas municipalities and represented water districts, among other clients. He also served as a planning commission chairman in California.

**SPEAKERS (IN SEQUENCE)**

**Dr. Robin Kundis Craig**  
Attorneys’ Title Professor of Law  
Associate Dean for Environmental Programs  
Florida State University College of Law  

**Adapting Cooperative Federalism to Climate Change’s Water Impacts: Who Should Get to Decide What?**

Water shortages and anticipated effects of climate change raise concerns about the proper balance between federal and state interests in the management of water resources. Effective regulation is especially important in light of national energy and food security and interstate conflicts.

Dr. Craig serves as co-director of the law school’s Land Use and Environmental Law Program. She teaches and specializes in all things water, including the Clean Water Act, water law and the public trust doctrine, water resources and climate change, coastal water pollution, the intersection of water and land issues, and marine biodiversity and marine protected areas. She has served on three successive National Research Council Committees on the Clean Water Act and the Mississippi River and chairs the ABA Section on Environment, Energy, and Resources’ Marine Resources Committee.
**Noah D. Hall**  
Assistant Professor, Wayne State University Law School  
Executive Director, Great Lakes Environmental Law Center

**Interstate Water Compacts and Climate Change Adaptation**

More than 95 percent of the nation’s available surface freshwater resources are governed by interstate water compacts. Professor Hall maintains these compacts may be the most important legal consideration in assessing water supply risks from climate change. He examines how they work, the resources governed, and the rights and responsibilities of the states.

Professor Hall’s teaching and expertise is in environmental and water law. His research focuses on environmental federalism, public and private water rights, and transboundary pollution and resource management. He is founder and executive director of the Great Lakes Environmental Law Center and a former attorney for the National Wildlife Federation where he managed the Great Lakes Water Resources Program. He also worked in private practice for several years and continues to represent a variety of clients in significant environmental policy disputes.

**Dr. Kathleen Miller**  
Scientist III, Institute for the Study of Society and the Environment  
National Center for Atmospheric Research

**Grappling with Uncertainty: Water Planning and Policy in a Changing Climate**

Dr. Miller believes there is little doubt that global warming is occurring, bringing with it inevitable consequences and impacts on water resource availability, flooding hazards and water quality. While general characteristics of future hydrologic changes are emerging, specific details are far from clear. While water planners realize that conditions are likely to be very different from those of the past, they are uncertain of the magnitude or direction of these changes.

Adding to the problem is the politicization and misinformation surrounding the issue of climate change itself. Dr. Miller examines the requirements of effective adaptation and its likely effects.

Dr. Miller is an economist who has worked on climate and weather related topics for 23 years. Her research focuses on the exploitation of climate-sensitive natural resources, and the factors affecting resource management decisions in the context of uncertainty and competing interests. Among her publications is a co-authored book on the implications of climate change for urban water utilities, *Climate Change and Water Resources: A Primer for Municipal Water Providers*. She is a lead author of Chapter 3, “Water Resources and Their Management,” in the IPCC Working Group II, *Fourth Assessment Report: Climate Change 2007: Impacts, Adaptation and Vulnerability*. She is also a lead author of the IPCC Technical Paper on Climate Change and Water.
Daniella Landers
Partner, Sutherland Asbill & Brennan LLP, Houston

Ms. Landers is a member of the firm’s Energy and Environmental Practice Group where she focuses on a broad range of environmental compliance, transactional and litigation matters. Her practice involves regulatory matters, climate change initiatives, enforcement defense, permitting, environmental due diligence in acquisitions and transactions, and cost recovery litigation. She also teaches environmental law and litigation as an adjunct professor at South Texas College of Law.

A. Dan Tarlock
Distinguished Professor of Law
Director of the Program in Environmental and Energy Law
Chicago-Kent College of Law
Illinois Institute of Technology

Water availability emerges as a key to future energy production

If the United States attempts a second run at energy independence, or at least decreased reliance on imported oil, the availability of water could pose a considerable constraint. Professor Tarlock poses two questions: Will global climate change increase the competition for water in future energy production beyond the foreseeable usage for conventional production, and is water law adaptable to this increased competition? While answers to these questions are unclear, changes in water allocation, pollution control and conservation are all but certain.

Professor Tarlock’s teaching and research interests include environmental law, property, land use controls, biodiversity conservation and water law. He is the author or co-author of numerous articles and books on environmental law, land use controls and water law, including Environmental Protection: Law and Policy, Water Resources Management, and Law of Water Rights and Resources. He has served on several National Research Council/National Academy of Sciences committees and is an honorary professor at the UNESCO Centre for Water Law, Science and Policy at the University of Dundee, Scotland.

Dr. Lea-Rachel Kosnik
Assistant Professor of Economics, University of Missouri-St. Louis

Regulatory reform is necessary in order to manage the nation’s scarce water resources

Demands on water resources are continuously growing, while the corresponding supply remains essentially stagnant. The situation is projected to worsen as climate change effects and continued population growth are added to the equation. Dr. Kosnik examines a two-pronged approach, using small-scale hydropower permitting as a necessary reform.

Dr. Kosnik earned her Ph.D. at UCLA after spending a year as a Fulbright Scholar in Ankara, Turkey, analyzing the hydroelectric potential of the Tigris and Euphrates rivers. Her main areas of expertise are environmental and energy economics, public and regulatory economics, and behavioral economics. She teaches both graduate and undergraduate courses and serves as a dispute resolution panel member for the Federal Energy Regulatory Commission. Her research agenda includes studies on hydroelectric dam regulation, renewable energy and climate change, interest group involvement and public choice theory.
Amy Hardberger  
*Hydrologist and Attorney*  
*Environmental Defense Fund-Texas Office*

Ms. Hardberger works in the Energy and Land, Water & Wildlife programs, primarily on Texas law and policy issues. She is currently working on municipal water conservation and the energy/water nexus. She holds bachelor’s and master’s degrees in geology and a law degree from Texas Tech University School of Law. She previously clerked for U.S. District Judge William Wayne Justice and worked as an environmental consultant.

Elizabeth Burleson  
*Assistant Professor of Law, University of South Dakota School of Law*

*Coordination of water, energy and climate policy requires international consensus building*

While international bodies agree that water, energy and climate issues are interrelated, a coordinated approach to regulation rarely occurs. Effective cross-border policies can come about, however, through international consensus on what steps must be taken.

Professor Burleson began participating in treaty negotiations at the United Nations in 1991 and through the years has worked extensively for the United Nations, UNICEF, UNESCO and Amnesty International. She teaches public international law, energy law, United Nations law, international environmental law, international law and China, property law, water law, and environmental law. Her research interests include emerging international environmental and human rights law.

Scott Deatherage  
*Partner, Thompson & Knight, LLP, Dallas*

Mr. Deatherage heads the firm’s Climate Change and Renewable Energy Practice Group and advises clients on climate change regulation and issues surrounding carbon credit project development and trading. He is currently writing a book, *Carbon Trading Law and Practice*, for Oxford University Press and writes a blog, *The New Climate Cycle*. He is a cum laude graduate of Harvard Law School.