KALYANI ROBBINS

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EDUCATION

Lewis & Clark Law School

LL.M., cum laude, Environmental and Natural Resources Law, 2008

Stanford Law School

JD, 1999, Articles Editor for the Stanford Law Review

Northwestern University School of Law

1996-1997 (1L year), Dean's List, Invited to Law Review membership

University of California at Berkeley

BA, Rhetoric, 1995, Honor Students Society, ACLU Berkeley Students Caucus founding member

ACADEMIC APPOINTMENTS

University of Akron School of Law, Akron, OH

Associate Professor of Law, 2011-present

Assistant Professor of Law, 2008-2011

Subjects taught: Environmental Law, Criminal Law, Natural Resources Law, and related seminars Research areas: Wildlife Law; Environmental Policy; Ecosystem Management; Climate Change; Eco-Federalism; and the Intersection of Law, Science, and the Environment

Law School Committees:

- 2009-present: Faculty Appointments; Faculty Research and Development/Faculty Grants
- 2008-2009: Admissions; Enrichment

Other Service:

- Executive Committee Member, AALS Natural Resources Section, 2012-13
- Executive Committee Member, AALS Environmental Law Section, 2012-13
- Chair, Endangered Species Committee, within the ABA Section of Environment, Energy, and Resources (SEER), 2011-2012; Co-Chair 2012-13
- Vice Chair for Quick Teleconferences, ABA Endangered Species Committee, 2010-2011
- Selection committee member, ABA SEER Summer Diversity Fellowship, 2011 & 2012
- Faculty Advisor, Environmental Law Society, 2008-present
- Faculty Advisor, Gay/Straight Law Alliance, 2011-present
- Elected Law School Representative to the AALS House of Representatives, 2009-2013
- Law School Representative on University Committee for the Conference on Undergraduate and Graduate Student Research (CUGSR), Chair of Speaker Subcommittee, 2010-2011

University of San Francisco School of Law

Visiting Professor, summers of 2011 & 2012

- Taught Environmental Law in 2012
- Taught Natural Resources Law in 2011

PUBLICATIONS

Books:

THE LAW OF BIODIVERSITY AND ECOSYSTEM MANAGEMENT (Foundation Press University Casebook Series, Third Edition, forthcoming 2012) (with John Copeland Nagle and J.B. Ruhl)

THE LAWS OF NATURE: REFLECTIONS ON THE EVOLUTION OF ECOSYSTEM MANAGEMENT LAW AND POLICY (University of Akron Press, Kalyani Robbins ed., forthcoming 2012) (edited collection with contributions by Robert W. Adler, Jamison E. Colburn, Robert B. Keiter, Judith A. Layzer, Martin Nie, Daniel J. Rohlf, J.B. Ruhl, Lynn Scarlett, and co-authoring pairs Susan G. Clark & David N. Cherney; Sara O'Brien & Sara Vickerman; and Deborah McGrath & Travis Greenwalt)

Chapters:

An Ecosystem Management Primer: History, Perceptions, and Modern Definition, in The Laws of Nature: Reflections on the Evolution of Ecosystem Management Law and Policy (University of Akron Press, Kalyani Robbins ed., forthcoming 2012)

Constitutional Law: 2011 Annual Report, in Environment, Energy, AND RESOURCES LAW: THE YEAR IN REVIEW (ABA Section of Environment, Energy & Resources, co-author).

Articles:

Paved With Good Intentions: The Fate of Strict Liability under the Migratory Bird Treaty Act, 42 Envtl. L. 579 (2012) (invited symposium article, presented at October 2011 conference)

Recovery of an Endangered Provision: Untangling and Reviving Critical Habitat under the Endangered Species Act, 58 Buffalo L. Rev. 1095 (2010)

Strength in Numbers: Setting Quantitative Criteria for Listing Species under the Endangered Species Act, 27 UCLA J. Envtl L. & Pol. 1 (2009)

• Cited in Western Watersheds Project v. U.S. Fish and Wildlife Service, 2012 WL 369168 (D. Idaho 2012)

Missing the Link: The Importance of Keeping Ecosystems Intact and What the Endangered Species Act Suggests We Do About It, 37 Envtl. L. 573 (2007)

Framers' Intent and Military Power: Has Supreme Court Deference to the Military Gone Too Far?, 78 Or. L. Rev. 767 (1999)

No-Drop Prosecution of Domestic Violence: Just Good Policy, or Equal Protection Mandate?, 52 Stan. L. Rev. 205 (1999)

- Reprinted in Douglas E. Beloof, VICTIMS IN CRIMINAL PROCEDURE
- Cited in *McClure v. Rehg*, 2007 WL 3352389 (E.D. Mo. 2007)
- Cited in amicus curiae Supreme Court briefing for *Iowa v. Tovar*, 541 U.S. 77 (2004)

Implications of the Tax Reform Proposals for Fraud – or – How to Shift to a Consumption Tax Without Helping the Cheaters, published simultaneously by consent at 83 Tax Notes 1371 (1999); and Taxes, June 1999, at 41

SCHOLARSHIP AGENDA

Works in Progress:

- * Cooperating with Wildlife: The Past, Present, and Future of Wildlife Federalism. This article explores the federalism implications for wildlife regulation, following the historical development of state and federal authority through the present day, and predicting/suggesting future directions to ensure that multiple regulatory bodies (and unnaturally drawn political boundaries) do not result in greater destruction of biodiversity and ecosystems. In particular, I am considering the potential for applying a cooperative federalism approach similar to what we have in the context of regulating pollution. States have traditionally played a significant role in managing wildlife, but play a very small role in implementing the Endangered Species Act, and an even smaller role with other federal wildlife statutes. The disconnect between the federal government and states (where the local knowledge is strongest) results in both inefficiencies and harmful incentives. While states and local governments are best positioned to manage local habitat, federal oversight is needed to ensure that our widely shared benefits (biodiversity) are not lost to a tragedy of the commons problem. This is a two-part project: the first article will focus on history and applicable federalism theory, while the second will propose a practical structure that will make better use of the value we can get from both centralized (federal) government and diffuse (state) government action and control. After completing the initial theoretical article, some empirical research (on state wildlife agencies) will be necessary for the latter work. Though it is still at an early stage, I am actively workshopping this project throughout 2012.
- * Shifting Priorities, Moving Targets, and Jumping Ship: The Regulation of Endangered Species in a Hot New World. This article will explore the rapidly changing world of endangered species protection, discussing both the impact climate change has already had on the implementation of biodiversity laws and the potential impacts it could have (for better or for worse). It will take an indepth look at some of the essential questions for our generation: Can we rescue biodiversity from the perils of climate change? If so, how? If not, which lifelines will we cut? Can we reach agreement on tricky issues such as whether to extend critical habitat to never-occupied lands in order to prepare for altered natural migration and/or assisted migration? Ultimately, the only realistic options are to overhaul our regulatory approach, accept some measure of defeat, or (quite likely) a bit of both.
- * As a smaller project, I am working on an analysis of environmental standing jurisprudence and ecological science to determine the likelihood that a loss of ecosystem services could qualify to confer standing on recipients of such services who do not otherwise meet the prevalent standard of spending time in the impacted area. While this question has not been directly litigated, a review of existing environmental standing cases presents both support for this theory and obstacles it may face.
- * Finally, I recently conducted an empirical study of the current composition of Environmental & Natural Resources Law faculty, for the June 2012 AALS midyear workshop panel entitled "Generations of Environmental Law." I presented the resulting data (a breakdown of all 544 law professors in the field and how they grouped into 5-year ranges of experience as well as the various subfields of expertise and other distinguishing factors) at our workshop, during which we analyzed the ratio of senior to junior faculty and discussed opportunities for mentoring within the field. I will be co-authoring an article with Jessica Owley on the issues addressed in the workshop, utilizing this data. We have just begun to organize the expected article.

Long-term Agenda:

I expect that my primary focus will remain on issues relating to biodiversity and ecosystems. Lately that work has begun to overlap with an increased interest in federalism, which is a major focus of my currently in-progress scholarship. Because I have just completed a new climate change section for the biodiversity casebook, and have scheduled some upcoming presentations on the ESA and climate change, I expect that further scholarship in the climate change area is likely to follow. In particular, I intend to do some "life after climate change" work, envisioning what the new ecological landscape might be like and how our regulatory approaches will have to change to govern it. I have also developed an increased interest in Ocean & Coastal Law (while teaching Natural Resources Law, of which it is a subset), which I would like to teach at some point to possibly spark some related scholarship. This field also has a very strong relationship to climate change. I have begun to plan for another book of collected chapters, this time on the various areas of Eco-Federalism, which I will begin to organize upon completion of my article on wildlife federalism. A goal of mine for years has been (and remains) to eventually design a casebook that focuses on the scientific issues that non-scientist environmental lawyers need to understand. It will be a survey of key environmental and natural resources statutes and cases, but with a focus on understanding the relevant science, likely titled LAW, SCIENCE, AND THE ENVIRONMENT.

SELECTED PRESENTATIONS

Environmental Capstone Colloquium, February 7, 2013, University of Florida Levin College of Law

• Guest speaker on the topic, "Endangered Species and Climate Change"

AALS Annual Meeting, January 4-7, 2013, New Orleans, LA

 Presenting on the expansion of cooperative federalism models into more areas of environmental and natural resource law, as part of the AALS Sections on Natural Resources Law and Property Law joint program, 40 Years of Environmental and Natural Resources Law-A Prospective Look

Symposium: The Law and Policy of Hydraulic Fracturing: Addressing the Issues of the Natural Gas Boom, November 16, 2012, Case Western Reserve University School of Law

• Invited to present on fracking and wildlife

ABA Section of Environment, Energy, and Resources (SEER) 20th Annual Fall Meeting, October 10-13, 2012, Austin, TX

- Invited to present on the ESA and Climate Change
- On panel, Wind, Water, Weather and the Endangered Species Act

Anderson-Libecap Manuscript Roundtable, October 4-5, 2012, the Law & Economics Center (LEC) at George Mason University School of Law

• Invited/funded participant in manuscript roundtable for upcoming book on Environmental Markets

Symposium: The Next Generation of Environmental & Natural Resources Law: What Has Changed in 40 Years and What Needs to Change as a Result, September 28-29, 2012, University of Akron School of Law

- Developed symposium (all aspects: creation/description, obtaining funding, promotion and call for proposals, selecting presenters and moderators, arranging for symposium publication in Akron Law Review, field-trip planning, and event planning)
- Will host conference and write introduction to symposium edition

Presented Work-in-progress to faculty at University of San Francisco School of Law, August 1, 2012

• Presented Cooperating with Wildlife: The Past, Present, and Future of Wildlife Federalism

Association for Environmental Studies and Sciences 2012 Annual Meeting and Conference: Preparing for our Environmental Future, June 21-24, 2012, Santa Clara University

• Presented work in progress, Cooperating with Wildlife: The Past, Present, and Future of Wildlife Federalism

AALS 2012 Mid-Year Meeting, Conference on Torts, Environment, and Disaster, June 8-10, 2012, Berkeley, CA

• Co-presented workshop, Generations of Environmental Law

Engaged Scholarship/Practically Grounded Symposium, May 4, 2012, Pace Law School

• Invited Participant in small (about 20 participants) discussion gathering and co-author of publication to result therefrom

Northeast Ohio Faculty Colloquium, March 23, 2012, Cleveland area, OH

• Presented work in progress, Cooperating with Wildlife: The Past, Present, and Future of Wildlife Federalism

Public Interest Environmental Law Conference, February 29 - March 3, 2012, University of Oregon School of Law

- Co-organized and presented on panel, What is the Value of Critical Habitat?
 - Presented The Troubled History of Critical Habitat under the Endangered Species Act
- Co-organized and presented on panel, *Environmental Law and New Frontiers in Cooperative Federalism*
 - Presented work in progress, Cooperating with Wildlife: The Past, Present, and Future of Wildlife Federalism

Northeast Regional Scholarship and Teaching Development Workshop, February 3-4, 2012, Albany Law School

• Presented idea-stage work in progress, Cooperating with Wildlife: The Past, Present, and Future of Wildlife Federalism

AALS Annual Meeting, January 4-8, 2012, Washington, DC

• Organized and moderated a "hot topic" panel, *The ESA Implementation Tipping Point: Can the U.S. Fish & Wildlife Service Keep Up with Multiple New Demands?*

Symposium: The Migratory Bird Treaty Act: Reshaping a Powerful Conservation Tool, October 20-22, 2011, Lewis & Clark Law School

• Invited/funded to write and present symposium article, *Paved With Good Intentions: The Fate of Strict Liability under the Migratory Bird Treaty Act*

Presented Work-in-progress to faculty at University of Akron School of Law, October 5, 2011

• Presented Paved With Good Intentions: The Fate of Strict Liability under the Migratory Bird Treaty Act

Presented Work-in-progress to faculty at University of San Francisco School of Law, July 13, 2011

• Presented Paved With Good Intentions: The Fate of Strict Liability under the Migratory Bird Treaty Act

ABA Quick Teleconference: Is 2010 a Critical Year for Critical Habitat?, November 2010

• Organized and moderated panel discussing 2010 cases impacting the implementation of the critical habitat provisions of the Endangered Species Act

Northeast Ohio Faculty Colloquium, October 8, 2010, Cleveland area, OH

• Hosted day of scholarly presentations by and for faculty of several Ohio law schools

Regulation by Litigation Roundtable at the Center for Business Law and Regulation,

September 25, 2009, Case Western Reserve University School of Law

• Invited Roundtable Participant

Public Interest Environmental Law Conference, February 26 - March 1, 2009, University of Oregon School of Law

- Organized and moderated panel, *The Future of the ESA: Suggestions for the New Administration*
- Added to a panel to discuss teaching climate change materials in environmental courses

Law, Science, and the Environment Forum, April 19-20, 2007, Lewis & Clark Law School

• Invitational workshop; invited to serve as a discussant

Additional events attended:

- ABA Section of Environment, Energy, and Resources, 2012 Spring Council Meeting (participated as Chair of the Endangered Species committee), April 27-28, 2012, Vancouver, BC
- Law & Society Association Annual Meeting, June 2-5, 2011, San Francisco, CA
- RMMLF Natural Resources Law Teachers Institute, May 25-27, 2011, Stevenson, WA
- AALS Annual Meeting, January 2011, San Francisco, CA
- Rocky Mountain Mineral Law Institute, July 23-25, 2009, San Francisco, CA
- RMMLF Natural Resources Law Teachers Institute, May 27-29, 2009, Chico Hot Springs, MT
- AALS Annual Meeting, January 6-10, 2009, San Diego, CA
- AALS Workshop for New Law School Teachers, June 25-29, 2008, Washington, DC
- Public Interest Environmental Law Conference, March 1-4, 2007, University of Oregon School of Law

PRACTICAL EXPERIENCE

Sequoia ForestKeeper, Kernville, CA (telecommuted from Oregon during LL.M. work)

Legal Director, January 2007 – March 2008

Managed legal program for non-profit organization working to protect the Sequoia National Forest and Giant Sequoia National Monument. Work included drafting comment letters and administrative appeals, planning and implementing litigation strategies, responding to various legal questions from the executive director, hiring and supervising law student interns, and attending related conferences.

New York County District Attorney's Office, New York, NY

Assistant District Attorney, August 2002 – November 2005

Investigated and prosecuted large caseload, negotiated plea deals, presented over a hundred cases to grand juries, had dozens of court hearings and eight trials, all solo. In addition to prosecuting a broad spectrum of felonies, had partial specialization in domestic violence cases.

The Honorable Faith S. Hochberg, District Judge

United States District Court for the District of New Jersey (Newark) Law Clerk, 2001-2002

The Honorable Norman H. Stahl, Circuit Judge

United States Court of Appeals for the First Circuit (Boston) Law Clerk, 2000-2001

McCutchen, Doyle, Brown & Enersen, San Francisco, CA

Associate, 1999-2000; Summer Associate, 1998

Conducted legal research and drafted briefs, complaints, answers, and internal memoranda. Did a significant amount of pro bono work, including constitutional matters.

Jenner & Block, Chicago, IL

Summer Associate, 1997

Conducted legal research and drafted internal memoranda. Worked on pro bono death penalty case that resulted in a reduction to a life sentence. Received an offer of permanent employment.

Equal Employment Opportunity Commission, Washington, DC

Intern Investigator, Summer 1994 & Winter 1994-95

Investigated possible Title VII violations through witness interviews, document requests, and other tools. Drafted the Commission's determination of each case based on that research.

PUBLIC SERVICE

Conservation Biology

March 2012: Reviewed article for the peer-reviewed scientific periodical

AALS Section on Natural Resources and Energy Law

2012-13: Executive Committee Member

AALS Section on Environmental Law

2012-13: Executive Committee Member

ABA Section of Environment, Energy, and Resources, Endangered Species Committee

2011-2013: Committee Chair (Co-chair 2012-13)

2011 & 2012: Summer Diversity Fellowship selection committee member

2010-2011: Vice Chair for Quick Teleconferences

AALS House of Representatives

2010-2013: Elected Law School Representative for University of Akron School of Law

New York County District Attorney's Office, Community Affairs

2002-2005: Taught the office's public interest curricula in Manhattan schools, provided on-site lectures and tours for groups, either judged or coached for many mock trials, was involved in mentor program for middle school children.

San Francisco Bar Association, Volunteer Legal Services Program

Volunteer Attorney, Summer 2000

Represented tenants on a pro bono basis in eviction defense cases.

Governor's Blue Ribbon Panel on Hate Groups

Deputy Counsel, Fall 1999

Conducted interviews and other research related to combating hate activity. Reported and discussed results at regular meetings of the Panel, chaired by Warren Christopher and George Deukmejian. Drafted portions of the Panel's final report and recommendations to Governor Gray Davis.

San Francisco Homeless Advocacy Project

Advocate, Summer 1998

Represented an indigent man in his administrative appeal after he was denied disability benefits.

Human Rights Advocates

Intern, Spring-Summer 1998

Drafted written statement for the NGO to submit to the United Nations Human Rights Commission.

ADDITIONAL INFORMATION

Teaching: I have conducted at least one educational field trip for every course ever taught, including summer courses. I have found this to be incredibly valuable to my students, as well as a great experience for all of us. I like to take my Criminal Law students on a trip to New York City for an insider's tour of the criminal justice system there (where I was once a prosecutor). My environmental courses typically tour wetland restoration projects with instruction by professors in related disciplines as well as professionals working with the projects.

World Travel: I have traveled to all seven continents, including dozens of countries, and have twice published in the travel section of the London Independent. These travels often included significant wildlife viewing, either by safari or scuba diving, which fueled my interest in biodiversity. My 2004 Antarctica trip (the final continent) resulted in the decision to transition into Environmental and Natural Resources Law.

Geographic Background: I was born in San Francisco and spent sizable portions of my early childhood in India. We settled down in Berkeley around my ninth birthday, and I stayed there through college and beyond.