

**DONALD J. KOCHAN**

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**PROFESSIONAL EXPERIENCE**

**CHAPMAN UNIVERSITY DALE E. FOWLER SCHOOL OF LAW**

**Parker S. Kennedy Professor in Law**, Dec. 2017-

**Inaugural Associate Dean for Research & Faculty Development**, July 2014-May 2019

**Assistant Professor of Law, Associate Professor of Law, and Professor of Law**, 2004-2017  
(tenured 2011)

(Property Law; Administrative Law & Practice; Natural Resources Law & Policy; Real Estate Transactions; Commercial Leasing; Corporations; Agency & Partnership; Law & Economics; Federal Courts; Remedies)

**GEORGETOWN UNIVERSITY LAW CENTER, CENTER FOR THE CONSTITUTION**

**Nonresident Scholar**, 2018-

**Visiting Scholar** (in residence), Fall 2018

**UNIVERSITY OF VIRGINIA SCHOOL OF LAW**

**Instructor in Law and Olin Fellow**, 2003-2004

**GEORGE MASON UNIVERSITY SCHOOL OF LAW (now the Antonin Scalia Law School)**

**Visiting Assistant Professor of Law**, 2002-2003

(Property; Environmental Law)

**CROWELL & MORING LLP** (Washington, D.C.)

**Associate**, Sept. 1999-June 2002 (Natural Resources & Environmental Law)

**UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

**Judicial Law Clerk, The Honorable Richard F. Suhrheinrich**, Aug. 1998-Aug. 1999

**EDUCATION**

**CORNELL LAW SCHOOL, J.D.**, 1998

John M. Olin Scholar in Law and Economics, 1996-1997, 1997-1998

*Cornell International Law Journal*, Managing Editor

*Harvard Journal of Law & Public Policy*, Executive Editor/Editor, symposium issues, 1998/1997

**WESTERN MICHIGAN UNIVERSITY, B.A.**, Political Science and Philosophy, *magna cum laude*, 1995

John W. Gill Medallion Scholar (competition-based full merit scholarship)

Presidential Scholar in Political Science, 1995 (awarded to top graduate in department)

### **SUMMARY OF SELECTED ADMINISTRATIVE EXPERIENCE AND ACCOMPLISHMENTS**

- Inaugural Associate Dean for Research & Faculty Development (2014-2019)
  - Envisioned and developed innovative new measures for reputational enhancement, including by assisting faculty members with developing, promoting, and finding resources for their research and scholarship.
  - Launched, organized, and managed several new faculty workshop series and conferences; and oversaw the major speakers program.
  - Incentivized and strengthened faculty scholarship, enhanced faculty understanding of pedagogical innovation opportunities as well as developments in learning outcomes and assessment, and developed diverse programming to enhance our community of learning.
  - Designed and implemented for the first time knowable, transparent, clear, objective, and understandable policies for faculty access to budgetary resources, ultimately overseeing enlarged budgets as a result of demonstration of fiscal responsibility.
  - Oversaw and managed multiple budgets, including for: faculty travel, professional development, chaired-faculty endowment expenditures, student research assistants, summer research stipends, law school sabbaticals, and expenditures associated with intellectual enrichment programs under my supervision.
  - Worked closely with and managed activities (related to work within my portfolio) of the law school's chief financial officer, marketing staff, event staff, and others.
  - Served as close adviser to two successive law school deans, including observing and brainstorming on strategic planning, innovative new initiatives (including to support faculty), oversight and incentives for faculty and staff, merit-driven policies, budgetary management, fundraising, the curriculum, and the implementation and successes of data-driven analytics for admissions, financial aid, career services, and other departments.
  - Briefed key constituencies of the law school, including donors, alumni, and the Board of Trustees on research dean initiatives and measurements of success.
  - Identified alignments between major speaker events and other intellectual life programming with alumni, donors, community leaders, and other interested constituencies and potential supporters.
- Chair, Self Study/Self Assessment Committee for ABA Site Visit (2017-2018)
  - Oversaw a successful review and reaccreditation of the Fowler School of Law.
  - Set priorities and developed strategy for addressing strengths and weaknesses of program of legal education.
  - Supervised teams from multiple departments across the law school and university.
  - Ran multiple consultation sessions with groups of faculty, staff, alumni, employers, donors, and other stakeholders.

## **SELECTED ACADEMIC AWARDS, HONORS, & SERVICE**

### **Selected Honors and Awards:**

- Elected Member, American Law Institute (“ALI”) (January 2016-present)
  - Appointed by ALI as an Adviser to *Restatement of the Law Fourth, Property* project (July 2016-present)
- Editorial Board Member, *Journal of Legal Education* (appointed) (term: 2018-2020)
- Nonresident Scholar, Georgetown Center for the Constitution, Georgetown University Law Center (2018-present)
- Lone Mountain Fellow, Property & Environment Research Center (PERC) (2016)
- Recipient of Chapman University’s 2014 Valerie Scudder Award (a merit-based award selected by peers in recognition of outstanding achievement in scholarship, teaching, and service to the University)
- Life Fellow, American Bar Foundation (2014-present)

### **Committees and Service to the Law School and University at Chapman:**

- Associate Dean for Research & Faculty Development (2014-2019)
- Chair, Law School ABA Accreditation Sabbatical Review and AALS Membership Review Self Study Committee (2017-2019)
- Member, Law School Faculty Appointments Committee (2019-Present); Chair (2017-2019); Member (2007-2008)
- Advisory Committee Member, Chapman University’s Institute for Excellence in Teaching and Learning (“IETL”) (2015-2019)
- Member, Chapman University’s Research Advisory Panel (2016-2019)
- Member, Chapman University Faculty Research & Development Council (“FRDC”) (2012-2013)
- Member, *Chapman Law Review* Advisory Committee (2016-2019); Faculty Advisor, *Chapman Law Review* (2005-2009)
- Member, Law School Student Scholarship Appeal Review Committee (2017-2019)
- Chair, Law School Curriculum Committee (2013-2014); Member (2004-2005)
- Chair, Law School Committee on Teaching Excellence & Scholarship (2011-2013); Member (2016-2017)
- Chair, Law School Judicial Clerkship Committee (2006-2007); Member (2004-2006; 2009-2012)
- Member, Law School Honor Council (2007-2008); Hearing Panel Member (2019)
- Member, Law School Admissions Committee (2007)
- Faculty Advisor to various student organizations across the years, including the Law & Economics Society (present); the Real Estate Law Society; the Federalist Society; and the *Chapman Law Review*

### **Selected National Service and Memberships:**

- American Law Institute (ALI):
  - Elected Member and Advisor on Property Restatement (2016-present)
- Property & Environment Research Center (PERC)
  - Lone Mountain Fellow, Summer 2016
- Association of American Law Schools (AALS):
  - *Journal of Legal Education* Editorial Board Member (term: 2018-2020)
  - Chair, Planning and Nominations Committee, AALS Section on Associate Dean for Academic Affairs & Research (2016)
  - Chair, Section on Real Estate Transactions (2019); Chair-Elect (2018); Secretary (June 2017); Treasurer (January 2017-May 2017)

- Chair, Section on Property Law (2017); Chair-Elect (2016); Secretary (2015); Member, Executive Committee (2014, 2018)
- Chair, selection panel for the 2015 and 2016 AALS Junior Property Scholars Mentoring Programs at Annual Meeting
- Peer Review Commenter, New Voices in Administrative Law, AALS Annual Meeting, (New York, NY, January 7, 2016) (Washington, D.C. 2020)
- American Bar Association (ABA):
  - Chair, Advocacy Subcommittee for the Standing Committee on the Law Library of Congress (May 2019-present) (advocates to Congress and other organizations for Law Library of Congress funding and other legislative priorities); Member, Advisory Commission to the Standing Committee on Law Library of Congress (July 2018-present) (by appointment)
  - Member, ABA Real Property, Trust & Estate Law (“RPTE”) Diversity and Inclusion Committee (August 2019-present) (by appointment)
  - Vice-Chair, Committee on Environment & Natural Resources Regulation, ABA Section on Administrative Law & Regulatory Practice (August 2015-present) (by appointment)
  - Chair for Legal Education and Co-Chair of Trusts & Estates Legal Education Committee for the ABA Real Property, Trust & Estate Law (“RPTE”) Section (Sept. 2017-August 2019) (by appointment)
  - Contributing Editor, *Keeping Current-Property* in PROBATE & PROPERTY, the bi-monthly magazine of the ABA RPTE Section (covering literature and case law summaries from 17 western states) (Issues: May/June 2015-May/June 2018)
  - Member, ABA RPTE Legal Education and Uniform Laws Group Professors’ Corner Planning Group and Moderator Panel (2016-2019)
  - Member, ABA RPTE Community Outreach Committee (2018-2019) (by appointment)
  - Invited panelist at 2017 and 2018 annual spring meetings of the RPTE Section; invited panelist at the 2017 annual fall meeting of the Section on Environment, Energy, & Resources (SEER)
- Uniform Law Commission (“ULC”)
  - ABA Section Advisor, Study Committee on Adverse Possession (2017-2018)
- Federalist Society for Law & Public Policy Studies
  - Member, Executive Committee of the Federalist Society’s Environmental Law & Property Rights Practice Group (1999-present)
  - Member, Energy and Environment Committee, Regulatory Transparency Project (RTP) (2016-present)
- Association for Law, Property & Society (ALPS)
  - Program Committee Member (2015-2016)
- JOTWELL
  - Founder and Inaugural Co-Editor of the Property Section at *Jotwell* (2015-present)
- Adjunct Scholar, Mackinac Center for Public Policy (1995-present)
- Cornell Law School Class of 1998 Twentieth Reunion Committee (solicited donations to Class of ‘98 fund and encouraged attendance)
- Member of the State Bar of New York and the District of Columbia Bar
- Other professional affiliations not listed above: Member of American Law & Economics Association, Rocky Mountain Mineral Law Foundation, among others

### SELECTED SCHOLARSHIP

**Citations:** *The following works of scholarship have been cited and/or quoted, one or more times (beyond acknowledgements), in dozens of books & in more than 400 articles in scholarly journals.*

**Social Science Research Network (SSRN) Downloads:** *More than 10,795*

**BePress Selected Works Downloads:** *More than 4,500*

### BOOKS

FRAMING THE CONSTITUTION: THE IMPACT OF LABELS ON CONSTITUTIONAL INTERPRETATION  
(forthcoming 2020, Cambridge University Press)

[EMANUEL LAW OUTLINES: PROPERTY – KEYED TO DUKEMINIER, KRIER, ALEXANDER, SCHILL & STRAHILEVITZ, NINTH EDITION](#) (Wolters Kluwer, 9<sup>th</sup> ed. 2018) (with Calvin R. Massey).

[EMANUEL LAW OUTLINES: PROPERTY – KEYED TO DUKEMINIER, KRIER, ALEXANDER, SCHILL & STRAHILEVITZ, EIGHTH EDITION](#) (Wolters Kluwer, 8<sup>th</sup> ed. 2018) (with Calvin R. Massey).

### SELECTED LAW REVIEW AND LAW JOURNAL PUBLICATIONS

*The Meaning of Federalism in a System of Interstate Commerce: Free Trade Among the Several States*,  
\_\_\_ NOTRE DAME LAW REVIEW REFLECTION \_\_\_ (forthcoming 2020).

[The Market to Roam: Using Sharing Economy Platforms for Expanding Roaming Access to Land Resources](#), 59 NATURAL RESOURCES JOURNAL 89 (2019).

[The ~~fTakings~~ Keepings Clause: An Analysis of Framing Effects from Labeling Constitutional Rights](#), 45  
FLORIDA STATE UNIVERSITY LAW REVIEW 1021 (2018).

- “Recommended” at the Legal Theory Blog on August 16, 2017 [[Link](#)]

[The Sharing Stick in the Property Rights Bundle: The Case of Short Term Rentals and HOAs](#), 86  
UNIVERSITY OF CINCINNATI LAW REVIEW 893 (2018).

[Pride & Property: An Interdisciplinary Analysis of Their Symbiotic Relationship](#), 27 UNIVERSITY OF  
SOUTHERN CALIFORNIA INTERDISCIPLINARY LAW JOURNAL 255 (2018).

[The Commenting Power: Agency Accountability through Public Participation](#), 70 OKLAHOMA LAW  
REVIEW 601 (2018).

[Public Lands: Pride, Place, Proximity & Power](#), 25 VIRGINIA JOURNAL OF SOCIAL POLICY & THE LAW 1  
(2018).

[I Share, Therefore It's Mine](#), 51 UNIVERSITY OF RICHMOND LAW REVIEW 909 (2017).

- “Interesting and recommended” at the Legal Theory Blog on August 10, 2016 [[Link](#)]

[Deeds and the Determinacy Norm: Insights from Brandt and Other Cases on an Undesignated, Yet Ever-Present, Interpretive Method](#), 43 FLORIDA STATE UNIVERSITY LAW REVIEW 793 (2016).

*The Progression and Evolution of International Law Scholarship Over the Past 50 Years: Some Quantitative Observations*, 22 BUFFALO HUMAN RIGHTS LAW REVIEW 1 (2016).

- “Very interesting and recommended” at Legal Theory Blog, Apr. 29, 2015 [[Link](#)]

*Constituencies and Contemporaneousness in Reason-Giving: Thoughts and Direction after T-Mobile*, 37 CARDOZO LAW REVIEW 1 (2015).

*Dealing with Dirty Deeds: Matching Nemo Dat Preferences with Property Law Pragmatism*, 64 UNIVERSITY OF KANSAS LAW REVIEW 1 (2015).

*Keepings*, 23 NEW YORK UNIVERSITY ENVIRONMENTAL LAW JOURNAL 355 (2015).

- “Very interesting & highly recommended” at Legal Theory Blog, Apr. 6, 2015 [[Link](#)]

*A Framework for Understanding Property Regulation and Land Use Control from a Dynamic Perspective*, 4 MICHIGAN JOURNAL OF ENVIRONMENTAL & ADMINISTRATIVE LAW 303 (2015).

*Bubbles (or, Some Reflections on the Basic Laws of Human Relations)*, 26 FORDHAM ENVIRONMENTAL LAW REVIEW 133 (2015).

*The Mask of Virtue: Theories of Aretaic Legislation in a Public Choice Perspective*, 58 SAINT LOUIS UNIVERSITY LAW JOURNAL 295 (2014).

- “Deeply interesting & highly recommended” at Legal Theory Blog in May 2013 [[Link](#)]

*Public Lands and the Federal Government’s Compact-Based “Duty to Dispose”: A Case Study of Utah’s H.B. 148 – The Transfer of Public Lands Act*, 2013 BYU LAW REVIEW 1133 (2013).

*Certainty of Title: Perspectives After the Mortgage Foreclosure Crisis on the Essential Role of Effective Recording Systems*, 66 ARKANSAS LAW REVIEW 267 (2013).

*The Property Platform in Anglo-American Law and the Primacy of the Property Concept*, 29 GEORGIA STATE UNIVERSITY LAW REVIEW 453 (2013).

*While Effusive, “Conclusory” is Still Quite Elusive: The Story of a Word, Iqbal, and a Perplexing Lexical Inquiry of Supreme Importance*, 73 UNIVERSITY OF PITTSBURGH LAW REVIEW 215 (2011).

- “Fascinating & highly recommended. Download it while it’s hot!” at the Legal Theory Blog on June 1, 2011 [[Link](#)]

*On Equality: The Anti-Interference Principle*, 45 UNIVERSITY OF RICHMOND LAW REVIEW 431 (2011).

*Ripe Standing Vines and the Jurisprudential Tasting of Matured Legal Wines: Property and Public Choice in the Permitting Process*, 24 BYU JOURNAL OF PUBLIC LAW 49 (2009).

*Much Ado About Pluralities: Pride and Precedent Amidst the Cacophony of Concurrences – and Re-Percolation After Rapanos*, 15 VIRGINIA JOURNAL OF SOCIAL POLICY & LAW 299 (2008) (with Professors Matthew Parlow and Melissa Berry).

*The Soft Power and Persuasion of Translations in the War on Terror: Words and Wisdom in the Transformation of Legal Systems*, 110 WEST VIRGINIA LAW REVIEW 545 (2008).

*Sovereignty and the American Courts at the Cocktail Party of International Law: The Dangers of Domestic Judicial Invocations of Foreign and International Law*, 29 FORDHAM INTERNATIONAL LAW JOURNAL 507 (2006).

*The Unconstitutionality of Class-Based Statutory Limitations on Presidential Nominations: Can a Man Head the Women's Bureau at the Department of Labor?*, 37 LOYOLA UNIVERSITY-CHICAGO LAW JOURNAL 43 (2005).

*The Political Economy of the Production of Customary International Law: The Role of NGOs and United States Courts*, 21 BERKELEY JOURNAL OF INTERNATIONAL LAW 240 (2004).

*State Laws and the Independent Judiciary: An Analysis of the Effects of the Seventeenth Amendment on the Number of Supreme Court Cases Holding State Laws Unconstitutional*, 66 ALBANY LAW REVIEW 1023 (2003).

*"Public Use" and the Independent Judiciary: Condemnation in an Interest-Group Perspective*, 3 TEXAS REVIEW OF LAW & POLITICS 49 (1998).

### ***Selected Law Review Articles and Essays on Legal Education***

*Virtual Liquid Networks and Other Guiding Principles for Optimizing Future Student-Edited Law Review Platforms*, 32 TOURO LAW REVIEW 263 (2016) (Associate Deans Symposium).

*The "Reason Giving" Lawyer: An Ethical, Practical, and Pedagogical Perspective*, 26 GEORGETOWN JOURNAL OF LEGAL ETHICS 261 (2013).

*"Thinking" in a Deweyan Perspective: The Law School Exam as a Case Study for Thinking in Lawyering*, 12 NEVADA LAW JOURNAL 395 (2012).

*Thinking Like Thinkers: Is the Art and Discipline of An "Attitude of Suspended Conclusion" Lost on Lawyers?*, 35 SEATTLE UNIVERSITY LAW REVIEW 1 (2011).

*"Learning" Research and Legal Education: A Brief Overview and Selected Bibliographical Survey*, 40 SOUTHWESTERN LAW REVIEW 449 (2011).

- *Selected as June 2011 Article of the Month by Institute for Law Teaching and Learning*

### ***Selected Full-Length Symposium Articles***

*Reason-Giving, Rulemaking, and the Rule of Law*, 87 UMKC LAW REVIEW 525 (2019) (symposium).

- "Recommended" at the Legal Theory Blog on June 22, 2018 [\[Link\]](#)

*Playing with Real Property Inside Augmented Reality: Pokémon Go, Trespass, and Law's Limitations*, 38 WHITTIER LAW REVIEW 70 (2018) (symposium).

*Incumbent Landscapes, Disruptive Uses: Perspectives on Marijuana-Related Land Use Control*, 3 TEXAS A&M JOURNAL OF PROPERTY LAW 35 (2016) (symposium).

[\*Economics-Based Environmentalism in the Fourth Generation of Environmental Law\*](#), 21 [University of Missouri] JOURNAL OF ENVIRONMENTAL & SUSTAINABILITY LAW 47 (2015) (symposium).

- “Recommended!” at the Legal Theory Blog on May 22, 2015 [[Link](#)]

[\*Corporate Social Responsibility in a Remedy-Seeking Society: A Public Choice Perspective\*](#), 17 CHAPMAN LAW REVIEW 413 (2014) (symposium).

[\*You Say You Want a \(Nonviolent\) Revolution, Well Then What? Translating Western Thought, Strategic Ideological Cooptation, and Institution Building for Freedom for Governments Emerging Out of Peaceful Chaos\*](#), 114 WEST VIRGINIA LAW REVIEW 897 (2012) (symposium).

[\*Runoff and Reality: Externalities and Traceability Problems in Urban Runoff Regulation\*](#), 9 CHAPMAN LAW REVIEW 409 (2006) (symposium).

[\*No Longer Little Known But Now a Door Ajar: An Overview of the Evolving and Dangerous Role of the Alien Tort Statute in Human Rights and International Law Jurisprudence\*](#), 8 CHAPMAN LAW REVIEW 103 (2005) (symposium).

***Selected Essays, Shorter Law Review Articles, and Other Miscellaneous Journal Writings***

[\*Strategic Institutional Positioning: How We’ve Come to Generate Environmental Law Without Congress\*](#), 6 TEXAS A&M LAW REVIEW 323 (2019).

[\*The Universal and Uniquely Human Custom \(Not Right\) of Property\*](#), JOTWELL, Dec. 18, 2019 [reviewing BART J. WILSON, *THE MEANING OF PROPERTY IN THINGS IN THE PROPERTY SPECIES: MINE, YOURS, AND THE HUMAN MIND* (forthcoming 2020)].

[\*The Horse Before the Cart: The Necessity of the Right to Acquire Property to Property Rights\*](#), JOTWELL, July 27, 2018 [reviewing James W. Ely, Jr., “Buchanan & the Right to Acquire Property”]

[\*When Inquiring Minds Ought to Know . . . , Part II\*](#), PROBATE & PROPERTY, January/February 2018, at 48-53 (with James Charles Smith (U. Georgia Law)).

[\*When Inquiring Minds Ought to Know . . .\*](#), PROBATE & PROPERTY, July/August 2017, at 57-63 (with James Charles Smith (U. Georgia Law)).

[\*Same Base, Different Taste: The Cultural Ingredient in Property Law\*](#), JOTWELL (May 3, 2017). [reviewing Taisu Zhang, “Cultural Paradigms in Property Institutions”]

[\*Property as a Vehicle of Inclusion to Promote Human Sociability\*](#), JOTWELL (January 22, 2016) [reviewing Daniel B. Kelly, “The Right to Include”]

[\*Pages Per Term in the United States Reports and Converting Supreme Court Citations to Term Announced: A Statistical Research Tool\*](#), 1998 DETROIT COLLEGE OF LAW AT MICHIGAN STATE UNIVERSITY LAW REVIEW 1091 (1998).



## **SELECTED PUBLIC POLICY AND LEGAL INSTITUTE MONOGRAPHS AND BOOK CHAPTERS**

*Chapter 3: Eminent Domain Law and Reform in Illinois: A Brief Overview*, in [AN ILLINOIS CONSTITUTION FOR THE TWENTY-FIRST CENTURY](#) (Joseph E. Tabor ed. 2017) (with introduction by Richard A. Epstein and foreword by George F. Will).

[A LEGAL OVERVIEW OF UTAH'S H.B. 148 – THE TRANSFER OF PUBLIC LANDS ACT](#), A Federalist Society for Law & Public Policy Studies White Paper, Jan. 2013. (monograph)

[REFORMING THE LAW OF TAKINGS IN MICHIGAN](#), A Mackinac Center for Public Policy Report (April 1996). (monograph)

[REFORMING PROPERTY FORFEITURE LAWS TO PROTECT CITIZEN'S RIGHTS](#), A Mackinac Center for Public Policy Report (July 1998). (monograph).

## **SELECTED TESTIMONY, PRESENTATIONS, & MEDIA APPEARANCES**

U.S. Senate Hearing Testimony (by invitation of the Committee), U.S. Senate Committee on Agriculture, Nutrition and Forestry, June 26, 2003, “Review Healthy Forests Restoration Act, HR 1904.”

State of Idaho Legislature – Federal Lands Interim Committee, Meeting Presentation (by invitation of the committee), August 9, 2013, Boise, Idaho, (2 consecutive individual presentations totaling 1.5 hours of the agenda) “Public Lands and the Federal Government’s Compact-Based ‘Duty to Dispose’” and “A Legal Analysis and Case Study of Utah’s H.B. 148 – The Transfer of Public Lands Act; Perspectives on Idaho’s Opportunities” Audio Archive available [here](#) [Kochan testimony at 1:38:40]

*Forthcoming* – Delivering, by invitation, the Boehl Distinguished Lecture in Land Use Policy at the University of Louisville Brandeis School of Law (Spring 2022).

*Forthcoming* – Paper Presentation, “Reading Deeds: Developing Independent Rules for Interpreting Property Conveyance Documents Beyond “Borrowing” from Contracts,” Association for Law, Property & Society (ALPS) 11<sup>th</sup> Annual Meeting, Tulane Law School, New Orleans, Louisiana, May 21-23, 2020.

*Forthcoming* – [Interdisciplinary Manuscript Workshop](#) Sponsored by the Institute for Humane Studies (IHS) and the Georgetown Center for the Constitution on Donald Kochan’s *Forthcoming Book: Framing the Constitution: The Impact of Labels on Constitutional Interpretation*, Washington, D.C., March 27-29, 2020 (by invitation, 12-15 scholars across multiple fields will discuss manuscript).

Commenter, *New Voices in Administrative Law*, AALS Annual Meeting, Washington, D.C., Jan. 4, 2020.

Moderator, Panel on “Federalism and the Preemption of State Public Nuisance Actions,” George Mason University Law & Economic Center (co-sponsored by Alliance of California Judges), Dana Point, California, November 9, 2019.

Panelist, “Retroactive Liability, Due Process, and Free Speech: Promotion of Lawful Products in the Wake of *Sherwin-Williams* and *ConAgra*,” George Mason University Law & Economic Center (co-sponsored by Alliance of California Judges), Dana Point, California, November 9, 2019.

Featured Expert, *SCOTUSbrief* video (produced, with animation, by the Federalist Society for Law & Public Policy Studies) previewing the issues expected at the November 6, 2019 U.S. Supreme Court oral argument in *County of Maui v Hawaii Wildlife Fund*. See video on [YouTube here](#) (released Nov. 5, 2019).

Moderator, [Courthouse Steps Preview Teleforum & Podcast: County of Maui, Hawaii v. Hawaii Wildlife Fund](#), October 31, 2019. Audio podcast available [here](#).

Panelist, “Climate Change Litigation Update” (moderated by the South Carolina Attorney General Alan Wilson), sponsored by Rule of Law Defense Fund, National Press Club, Washington, D.C., October 17, 2019. Video available on [YouTube here](#).

Panelist, “Luncheon Debate: Retroactive Liability, Due Process, and Free Speech: Promotion of Lawful Products in the Wake of *Sherwin-Williams* and *ConAgra*,” *Symposium on the Law & Economics of Consumer Protection*, George Mason University Law & Economic Center, September 30, 2019.

Guest Speaker, “The ~~Takings~~ Keepings Clause: Framing Effects in Litigating Property Rights and other Constitutional Law Claims,” *Pacific Legal Foundation (PLF) Brown Bag Discussion Series*, September 19, 2019.

Solicited Expert Commentary, AL JAZEERA ENGLISH, Show: *The Stream*, Topic: “Climate change: Should it be a crime against humanity?” September 18, 2019. Video on [YouTube here](#) at Minute 20:45.

Featured Expert, [Can Cities Sue Oil Companies for Climate Change? \[POLICYbrief\]: Short video featuring Donald Kochan and David Bookbinder](#), Federalist Society for Law & Public Policy Studies, released August 2, 2019. Video on [YouTube here](#).

Featured Panelist, “[Agency Rulemaking: Unnecessary Delegation or Indispensable Assistance?](#)”, co-sponsored by Regulatory Transparency Project and Federalist Society Article I Initiative, National Press Club, Washington, D.C., June 18, 2019. (All panelists remarks were dedicated to discussing my article [Strategic Institutional Positioning: How We’ve Come to Generate Environmental Law Without Congress](#), 6 TEXAS A&M LAW REVIEW 323 (2019)). Video available on [YouTube here](#).

Invited Panelist, Panel on “Democracy, the Courts, and the Deep State: Are We Still a Government of We the People?”, State of Texas Office of Attorney General Constitutional Law Conference, The University of Texas at Austin, June 13, 2019.

Guest, Segment on “Youths’ Climate Change Lawsuit Against US Government Could Still Go To Trial,” NPR/KTTP 89.3 FM “Air Talk”, June 7, 2019, audio available at [link here](#).

Panelist, Teleforum on “Percolating in Washington State: Export-Terminal Permit-Denial Suit Implicates Federalism and Foreign Commerce,” sponsored by the Federalist Society’s Environmental Law & Property Rights Practice Group and Regulatory Transparency Project, April 2, 2019 (with Glenn Lammi of the Washington Legal Foundation). Audio available at [link here](#).

Paper Presentation on “The Framing Effects of Labeling Constitutional Products” at the *Second Annual National Conference of Constitutional Law Scholars*, Rehnquist Ctr., Univ. of Arizona James E. Rogers College of Law, Tucson, AZ, Mar. 9-10, 2019. (selected from competitive call for papers)

Paper Presentation on “Investigating the Origins and Usage Patterns for Constitutional Labels with Corpus Linguistics,” at the *Fourth Annual BYU Law & Corpus Linguistics Conference*, Brigham Young University, Provo, Utah, February 7-9, 2019. (selected from competitive call for papers)

Presenter, “The Framing Effects of Labeling Constitutional Products,” 7-Minute Presentation of Works-in-Progress Panel, 21<sup>st</sup> Annual Federalist Society Faculty Conference, New Orleans, Jan. 4, 2019.

Featured Expert, Regulatory Transparency Project explanatory video, [\[Fourth Branch\] Waters of the United States: Interpreting the Clean Water Act](#) (with Prof. Robert Glicksman of Maryland Law), released Dec. 7, 2018.

Paper Presentation, “The Framing Effects of Labeling Constitutional Products” at *Ninth Annual Loyola Constitutional Law Colloquium*, Loyola University-Chicago Law School, Nov. 2-3, 2018.

Panelist, “Public Nuisance, Climate Change, & Municipal Litigation,” Boston Lawyers’ Chapter of the Federalist Society, October 24, 2018, Boston, Massachusetts. Video available on [YouTube here](#).

Guest Luncheon Speaker, Crowell & Moring LLP Administrative Law & Regulatory Practice Group, “Recent Developments in Administrative Law,” Washington, D.C., October 15, 2018.

Speaker, Georgetown Center for the Constitution’s Fall Speaker Series, “The Framing Effects of Labeling Constitutional Products,” Washington, D.C., September 19, 2018.

Panelist, Professors’ Corner Webinar (American Bar Association webinar sponsored by the Real Property, Trusts & Estates Law Section), *Development, Permitting & Exactions* (with Professor Gregory Stein (Tennessee Law)), July 10, 2018.

Ethics CLE Presentation, “Thinking Like Thinkers: The Lost Art of Critical Reasoning,” Puerto Rico Lawyer’s Chapter of the Federalist Society, San Juan, Puerto Rico, June 13, 2018.

Invited Panelist, *Law Professor’s Panel*, “Takings Law, Permitting Processes, & Hurdles to Justiciability of Property Rights Claims: Reflections from Selected Developments.” *ABA Real Property, Trust & Estate (RPTE) Law Section Spring Symposium*, Orlando, Florida, Mar. 11, 2018.

Workshop Paper Presentation, “The Political Economy of the Language of Property Rights,” Interdisciplinary Workshop on Property & Political Economy, Smith Institute for Political Economy and Philosophy, Chapman University, Orange, California, April 20-21, 2018.

Podcast Panelist, [“The Commenting Power: Agency Accountability through Public Participation,” Free Lunch: A Podcast of the Regulatory Transparency Project](#), March 21, 2018.

Invited Panelist on [\*Environmental Law without Congress: Are Alternatives to Legislation Eclipsing the Congressional Role in Setting Policy Priorities for Environmental Protection?\*](#), Federalist Society National Lawyers Convention, Washington, D.C., November 18, 2017. [Podcast and Video here](#) (Kochan presentation at 32:30)

An introductory video summarizing my talk is available by clicking [here](#).

*Prior Federalist Society National Lawyer's Convention Invited Presentations:*

- Invited Panelist, "Property Rights Moving to the Third World; The Forgotten Spark of the Arab Spring," Federalist Society 2011 National Lawyer's Convention, Washington, D.C., November 12, 2011, Video available at [link here](#) (with Hernando de Soto, et al.)
- Invited Panelist, "American Courts as the World's Policemen?: A Debate on the Alien Tort Claims Statute," Federalist Society 2003 National Lawyer's Convention, Washington, D.C., November 13-15, 2003.

Paper Presentation, "Constitutional Rights & Framing Effects: The Keepings Clause" at *Eighth Annual Loyola Constitutional Law Colloquium*, Loyola University-Chicago Law School, Nov. 3-4, 2017.

Workshop Paper Presentation (by invitation), "The Market to Roam," *Searle Law of Property in Ecology Workshop*, co-sponsored by the Property & Environment Research Center (PERC) and Center for Business Law & Regulation at Case Western Reserve Univ. School of Law, Nov. 9-11, 2017.

Invited Panelist, "This Land is Whose Land? Renewed Legal Controversies Over Public Lands," *ABA Section of Environment, Energy and Resources' (SEER) 25<sup>th</sup> Annual Fall Conference*, Baltimore, Maryland, October 19, 2017.

Invited Panelist, "Law Professor's Panel," presentation titled "Traditional Property Principles Confronting a Changing World: Selected Recent Case Developments," *ABA Real Property, Trust & Estate (RPTE) Law Section Spring Symposium*, Denver, Colorado, April 21, 2017.

Radio Interview (on issue of National Monument designation authority), "The Show" on KJZZ 91.5, National Public Radio (NPR) in Phoenix, Arizona, January 2, 2017. Audio available at [link here](#).

Panelist, "Midnight Monuments: The Antiquities Act and the Executive Authority to Designate National Monuments," A Teleforum Sponsored by the Environmental Law & Property Rights Practice Groups of the Federalist Society, September 23, 2016. Podcast available at [link here](#).

Lone Mountain Fellow Workshop, *The Law & Economics of Pride & Property*, Property & Environment Research Center (PERC), Bozeman, Montana, July 13, 2016.

Plenary Speaker, *Ballot Issues Conference*, Students for Liberty Spring Focus Series (regional conference), California State University-Dominguez Hills, April 30, 2016.

Panelist, Professors' Corner Webinar (American Bar Association webinar sponsored by the Real Property, Trusts & Estates Law Section), [\*Understanding Inquiry Notice: Its Utility, Risks, and Doctrinal Complexities\*](#) (with Professor Jim Smith (Georgia Law)), March 8, 2016.

Panelist, "Federalism, the Environment, Land Use, and Energy Independence," Tenth Annual Federalist Society Western Chapters Conference on "Federalism and Freedom," Ronald Reagan Presidential Library, Simi Valley, California, January 30, 2016. Video available at [link here](#). (Kochan presentation begins at 44:23).

Paper Presentation, “Predictable Place-Based Regulatory Responses to Pot-Related Properties: A Familiar Story of Neighbors and Nuisances, Permits and Power, & Baptists and Bootleggers,” Texas A&M *Journal of Property Law* 2015 Symposium, Fort Worth, Texas, October 16, 2015.

Paper Presentation, “Cross-Pollination Possibilities in the Jurisprudence of the Business Judgment Rule and the Public Use Clause”, Association for Law, Property, and Society (ALPS) 2015 Annual Meeting, University of Georgia School of Law, Athens, Georgia, May 1, 2015.

Radio Interview, Morning Buzz with John Birbari, Radio Interview regarding public lands in Wyoming and the West, April 29, 2015, broadcast across Wyoming on KVOW-AM 1450, KTAK-FM 93.9, 104.1 Lander, 106.3 Dubois, KFCW-FM 93.1, 95.3 Lander/KDNO-FM 101.7/KWYW-FM 99.1.

Faculty Workshop, Marquette University Law School: “A Framework for Understanding Property Regulation & Land Use Control from a Dynamic Perspective,” January 14, 2015.

Paper Presentation, “Judging from a Position of Suspended Conclusion: A Perspective on the Judicial Neutrality Obligation and the Risks of Cognitive Biases that Impair It,” (selected from competitive call for papers), [Works in Progress Conference on Judicial Education and the Art of Judging: From Myth to Methodology](#), University of Missouri School of Law, October 9-10, 2014.

Panelist, “Public Land Controversy: The States v. The Federal Government,” A Teleforum Sponsored by the Environmental Law & Property Rights and the Federalism & Separation of Powers Practice Groups of the Federalist Society, June 24, 2014. Podcast available at [link here](#).

Paper Presentation, [“Economic Perspectives on the Fourth Generation of Environmental and Natural Resources Law.”](#) Panelist Presentation at “Environmental Law 4.0: Adaptive and Resilient,” *Journal of Environmental & Sustainability Law Symposium*, University of Missouri School of Law, Columbia, Missouri, Feb. 14, 2014. Video available [here](#).

Expert Commentary, [“The Real Miyagi's Dojo Threatened: Santa Ana Favors Foliage over Small Businesses”](#) (short news documentary produced and aired by *ReasonTV*), Jan. 2, 2014.

Speaker/Panelist, “The Law and Economics of Redevelopment: *Kelo* and Beyond,” U.C.-Irvine School of Law Federalist Society, Irvine, California, September 30, 2013.  
USC School of Law Federalist Society, Los Angeles, California, April 22, 2014  
Cornell Law School Federalist Society, Ithaca, New York, April 21, 2008 (debate)

Discussant, “Conservative Principles for Environmental Reform,” A Teleforum Sponsored by the Environmental Law and Property Rights Practice Group of the Federalist Society, May 16, 2013. Internet Podcast available at [link here](#).

Panelist, “The Future of Publicly Owned Lands,” A Teleforum Sponsored by the Environmental Law and Property Rights Practice Group of the Federalist Society, January 18, 2013 (debate). Internet Podcast available at [link here](#).

Speaker, “The Law and Economics of Corporate Social Responsibility,” Hamline University School of Law Federalist Society, St. Paul, Minnesota, November 5, 2012.

Paper Presentation, “Civil Resistance and the Law: Non-Violent Transitions to Democracy,” *West Virginia Law Review Symposium*, November 10, 2011 (invited panelist).

KUCI, 88.9 FM, *The Docket*, June 17, 2010, U.C. Irvine Radio: “The Seventeenth Amendment.”

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**SSRN AUTHOR PAGE:** <http://ssrn.com/author=405813>