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DONALD J. KOCHAN

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Associate Dean for Research & Faculty Development
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EDUCATION

Cornell Law School, J.D., May 1998

Cornell International Law Journal, Managing Editor

Harvard Journal of Law & Public Policy

Executive Editor (Vol. 21, No. 2 (1998)) (symposium issue)

Editor (Vol. 20, No. 2 (1997)) (symposium issue)

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

Western Michigan University, B.A., *magna cum laude*, April 1995

Majors: Political Science, Public Law Concentration;

Philosophy, Professional Ethics Concentration

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

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

D.C. Schilling Junior Political Science Award, 1994 (awarded to top junior in department)

Siebert Undergraduate Research Award, 1995

Honors College

JUDICIAL CLERKSHIP

Law Clerk to The Honorable Richard F. Suhrheinrich,

United States Court of Appeals for the Sixth Circuit

Lansing, Michigan, *August 1998-August 1999*

EXPERIENCE

Parker S. Kennedy Professor in Law

Associate Dean for Research & Faculty Development

Chapman University Dale E. Fowler School of Law

Orange, California

December 2017-present (Parker S. Kennedy Professor in Law (endowed)); July 2014- present (Associate Dean for Research & Faculty Development); September 2011- Present (full professor with tenure);

August 2007-August 2011 (Associate Professor of Law); August 2004-August 2007 (Assistant Professor of Law)

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

Visiting Scholar, Georgetown Center for the Constitution

Georgetown University Law Center

Washington, D.C., *Fall 2018 (in residence)*

Instructor in Law and Olin Fellow
University of Virginia School of Law
Charlottesville, Virginia, *August 2003-May 2004*

Visiting Assistant Professor of Law
George Mason University School of Law
Arlington, Virginia, *August 2002- August 2003*
Courses: Property; Environmental Law

Associate (Specialized in Administrative, Natural Resources & Environmental Law)
Crowell & Moring LLP
Washington, D.C., *September 1999-June 2002*

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)
- 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)
- Editorial Board Member, *Journal of Legal Education* (appointed) (term: 2018-2020)
- Life Fellow, American Bar Foundation (2014-present)
- Lone Mountain Fellow, Property & Environment Research Center (PERC) (2016)
- Selected by 2015 Graduating Class to deliver Benediction at 2015 Commencement
- Article selected as the June 2011 Article of the Month by the Institute for Law Teaching and Learning (“*Learning*” *Research and Legal Education: A Brief Overview and Selected Bibliographical Survey*).

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

- Associate Dean for Research & Faculty Development (2014-present)
- Chair, ABA Accreditation Sabbatical Review Self Study Committee (2017-present)
- Chair, Faculty Hiring Committee (2017-present)
- Advisory Committee Member, Chapman University’s Institute for Excellence in Teaching and Learning (“IETL”) (2015-present)
- Member, Chapman University’s Research Advisory Panel (2016-present)
- Member, *Chapman Law Review* Advisory Committee (2016-present)
- Member, Student Scholarship Appeal Review Committee (2017-present)
- Member, Chapman University Faculty Research & Development Council (“FRDC”) (2012-2013)
- Chair, Curriculum Committee (2013-2014); Member (2004-2005)
- Chair, Committee on Teaching Excellence & Scholarship (2011-2013); Member (2016-2017)
- Chair, Judicial Clerkship Committee (2006-2007); Member (2004-2006; 2009-2012)
- Member, Appointments Committee (2007-2008)
- Member, Honor Council (2007-2008)
- Member, Admissions Committee (2007)
- Faculty Advisor, *Chapman Law Review* (2005-2009)

Selected Other National Service and Memberships:

- American Law Institute (ALI):
 - Elected Member (January 2016-present)
 - Adviser, *Restatement of the Law Fourth, Property* project (ABA presidential appointment; July 2016-present)
- *Journal of Legal Education*
 - Editorial Board Member (AALS presidential appointment; term: 2018-2019)
- Association of American Law Schools (AALS):
 - Chair, Section on Property Law (2017); Chair-Elect (2016); Secretary (2015); Member, Executive Committee (2014)
 - Chair-Elect, Section on Real Estate Transactions (2018-present); Secretary (June 2017-present); Treasurer (January 2017-May 2017)
 - Chair, Planning and Nominations Committee, AALS Section on Associate Dean for Academic Affairs & Research (2016)
 - 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
- American Bar Association (ABA):
 - Vice-Chair, Committee on Environment & Natural Resources Regulation, ABA Section on Administrative Law & Regulatory Practice (August 2015-present)
 - Member, Advisory Commission to the Standing Committee on Law Library of Congress (appointed for a one year term, July 2018-July 2019)
 - 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-present)
 - 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-present)
 - 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)
- JOTWELL
 - Inaugural Co-Editor and Founder of the Property Section (2015-present)
- Association for Law, Property & Society (ALPS)
 - Program Committee Member (2015-2016)
- 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)
- Invited Peer Reviewer for academic press book proposal by Cambridge University Press; textbook by Wolters Kluwer/Aspen (via The Froebe Group); and for outside scholarship review by law school for tenure/full professor candidate
- Invited panelist at annual meetings of the Rocky Mountain Mineral Law Foundation (RMMLF), the Energy and Mineral Law Foundation (EMLF) and the Southeastern Association of Law Schools (SEALS)
- Organizer, Southern California-Area Junior Faculty Workshop (2015, 2016, 2017)
- Member of the State Bar of New York and the District of Columbia Bar

SELECTED SCHOLARSHIP

The following works of scholarship have been cited and/or quoted (beyond mere acknowledgements), one or more times, in dozens of books and in more than 350 scholarly journal articles.

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 (forthcoming 9th ed., Wolters Kluwer 2018) (with Calvin R.
Massey).

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

LAW REVIEW AND LAW JOURNAL PUBLICATIONS

*The Market to Roam: Using Sharing Economy Platforms for Expanding Roaming Access to Land
Resources*, 59 NATURAL RESOURCES JOURNAL __ (forthcoming Winter 2019).

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

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

[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).

[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).

[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).

[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).

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

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

[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).

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

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

Full-Length Symposium Articles

[*Reason-Giving, Rulemaking, and the Rule of Law*](#), 87 UMKC LAW REVIEW __ (forthcoming 2018) (symposium).

[*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).

[*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).

Student Notes

[*Constitutional Structure as a Limitation on the Scope of the "Law of Nations" in the Alien Tort Claims Act*](#), 31 CORNELL INTERNATIONAL LAW JOURNAL 153 (1998) (Note).

[*The Other Side of the Coin: Implications for Policy Formation in the Law of Judicial Interpretation: A Review of A MATTER OF INTERPRETATION by Antonin Scalia*](#), 6 CORNELL JOURNAL OF LAW & PUBLIC POLICY 463 (1997) (Book Note).

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

The Horse Before the Cart: The Necessity of the Right to Acquire Property to Property Rights, JOTWELL (forthcoming Aug. 2018) [reviewing James W. Ely, Jr., *Buchanan and the Right to Acquire Property*, CUMBERLAND L. REV. (forthcoming)]

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

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

[Same Base, Different Taste: The Cultural Ingredient in Property Law](#), JOTWELL (May 3, 2017).
[reviewing Taisu Zhang, "Cultural Paradigms in Property Institutions," 41 YALE J. INT'L L. 347 (2016)]

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

[Property as a Vehicle of Inclusion to Promote Human Sociability](#), JOTWELL (January 22, 2016)
[reviewing Daniel B. Kelly, "The Right to Include," 63 EMORY L.J. 857 (2014)]

[Legal Mechanization of Corporate Social Responsibility Through Alien Tort Statute Litigation: A Response to Professor Branson with Some Supplemental Thoughts](#), 9 SANTA CLARA JOURNAL OF INTERNATIONAL LAW 251 (2011) (symposium).

["Learning" Research and Legal Education: A Brief Overview and Selected Bibliographical Survey](#), 40 SOUTHWESTERN LAW REVIEW 449 (2011).
[Selected as the June 2011 Article of the Month by the Institute for Law Teaching and Learning]

[Black Tuesday and Graying the Legitimacy Line of Governmental Intervention: When Tomorrow is Just a Future Yesterday](#), 15 NEXUS: CHAPMAN'S JOURNAL OF LAW & POLICY 107 (2010) (symposium).

[In the Heat of the Law, It's Not Just Steam: Geothermal Resources and the Impacts on Thermophile Biodiversity](#), 13 HASTINGS W.-N.W. JOURNAL OF ENVIRONMENTAL LAW & POLICY 35 (2007) (with Tiffany Grant).

[Note: Substantially excerpted in THE RENEWABLE ENERGY READER (K.K. DuVivier ed. 2011)]

[Miranda at 40: Applications in a Post-Enron, Post 9/11 World: Introduction](#), 10 CHAPMAN LAW REVIEW 531 (2007) (symposium).

[Boyakasha, Fist to Fist: Respect and the Philosophical Link with Reciprocity in International Law and Human Rights](#), 38 GEORGE WASHINGTON INTERNATIONAL LAW REVIEW 349 (2006).

[The Blogosphere and the New Pamphleteers](#), 11 NEXUS: CHAPMAN'S JOURNAL OF LAW & POLICY 99 (2006) (symposium).

[An Examination of Increasing Protection for Sacred Sites and the Trust Responsibilities of the Federal Government](#), 49 ROCKY MOUNTAIN MINERAL LAW FOUNDATION INSTITUTE Ch. 12 (2003).

[National Historic Preservation Act Initiatives Affecting the Natural Resources Industry](#), 22 ENERGY & MINERAL LAW FOUNDATION INSTITUTE Ch. 12 (2002).

[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).

OPINION COLUMNS

[Hamilton's Take on 2016 Politics: The Federalist Papers Caution Against Populism and Demagogues](#), L.A. TIMES, Oct. 27, 2016, at A15 (Online Title: *Take heart voters: No matter who gets elected, the president can't destroy the republic*).

[Midnight Monuments](#), THE HILL: CONGRESS BLOG, Oct. 3, 2016.

[Reading Adam Smith in Arabic](#), WALL STREET JOURNAL, Feb. 17, 2011, at A17.
[Selected notable citation: Secretary of State Hillary Clinton was questioned directly and specifically about this op-ed at the Hearing on FY 2012 State Department Budget, U.S. SENATE COMMITTEE ON APPROPRIATIONS (Mar. 2, 2011) – see 2011 WLNR 4165274; see also [webcast clip](#).

[Luxury Needs No Remedy](#), L.A. TIMES, July 26, 2010, at A15.

Reprinted as and in, *inter alia*, the following newspapers:

[Founding Father's Lesson on Wealth](#), DALLAS MORNING NEWS, Aug. 1, 2010 (Sunday Commentary); [Benjamin Franklin on Wealth](#), PLAIN-DEALER (Cleveland, OH), Aug. 1, 2010 (Sunday edition); [Ben's Wealth Wisdom](#), ST. PETERSBURG TIMES (FL), July 31, 2010; [Government Shouldn't Regulate Luxury](#), DESERET NEWS (Salt Lake City, UT), Aug. 1, 2010 (Sunday edition); [Wealth is Not a Dirty Word](#), PITTSBURGH TRIBUNE-REVIEW, Aug. 1, 2010 (Sunday Edition); [Benjamin Franklin on Wealth](#), DENVER POST, July 29, 2010; [Benjamin Franklin Had It Right on Wealth](#), ATHENS BANNER HERALD (GA), July 31, 2010; [Benjamin Franklin Understood the Value of Wealth](#), AKRON BEACON JOURNAL (OH), July 29, 2010.

Los Angeles Daily Journal Columns:

[Don't Let Your Bubble Cross My Bubble](#), LOS ANGELES DAILY JOURNAL, July 27, 2010, at 5; [Call to Repeal Seventeenth Amendment](#), LOS ANGELES DAILY JOURNAL, June 16, 2010, at 5; [The Case for Simplicity](#), LOS ANGELES DAILY JOURNAL, August 20, 2009, at 6; [Card Sharks](#), LOS ANGELES DAILY JOURNAL, August 10, 2009, at 6 (with Ryan O'Dea); [For Failing Corporations, Christmas Has Come Early This Year](#), LOS ANGELES DAILY JOURNAL, June 25, 2009, at 6; [Hungry for Precedent](#), LOS ANGELES DAILY JOURNAL, May 5, 2008, at 6; [Words and Ideas Are Power in the War on Terrorism](#), LOS ANGELES DAILY JOURNAL, Feb. 26, 2007, at 6.

[Bill Fosters a Blight on Property Rights](#), DETROIT NEWS, June 15, 2001, at 13A.

[Protecting the Right to Appellate Review in the New Era of Civil Actions: A Call for Bonding Fairness](#), BNA's PRODUCT SAFETY & LIABILITY REPORTER, May 21, 2001, at 515 (with Mark A. Behrens).

[Federal Courts Using 'Certification' to Punt on Controversial State Tort Law Issues](#), LJNI's PRODUCT LIABILITY LAW & STRATEGY, Feb. 2001, at 4 (with Mark A. Behrens).

The Real Transition: How to Stem a Deluge of Regulations, WASHINGTON TIMES, Jan. 15, 2001, at A15 (with Robert P. Charrow).

Stopping the Last-Minute Regulatory Deluge, BOSTON GLOBE, Jan. 6, 2001, at 11 (with Robert P. Charrow).

Let The Sunshine In: The Need For Open, Competitive Bidding In Government Retention of Private Legal Services, BNA'S PRODUCTS SAFETY & LIABILITY REPORTER, Oct. 2, 2000, at 915 (with Mark A. Behrens).

After Burma, LEGAL TIMES, Aug. 21, 2000, at 54.

reprinted in full as: *Foreign Policy, Freelanced: Suits brought under Alien Tort Claims Act undermine federal government's authority*, THE RECORDER (Cal.), Aug. 23, 2000, at 5; and as *Rein in the Alien Tort Claims Act: Reconstituted Law of Nations Standard Needs Defining by Congress*, FULTON COUNTY DAILY REPORT (Ga.), Aug. 24, 2000.

Stand Down, LEGAL TIMES, Dec. 6, 1999, at 54 (with Mark Koehn).

Congress Can't Plea Bargain with President, DETROIT NEWS, October 9, 1998, at 11A.

State Needs Real Reform in Takings Law, DETROIT NEWS, February 4, 1996, at 7B. (Reprinted in, *inter alia*, DETROIT LEGAL NEWS)

Quebec Secession Drive Fails the Legitimacy Test, DETROIT NEWS, November 1, 1995, at 9A.

Costly Regulations Force Upjohn Merger, DETROIT NEWS, August 27, 1995, at 3B.

PUBLIC POLICY AND LEGAL INSTITUTE MONOGRAPHS, BOOK CHAPTERS, AND COMMENTARY

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).

[Property Rights, Responsible Development, and Constrictive "Rules"](#), Virginia Institute for Public Policy VIRGINIA VIEWPOINT No. 2003-16, November 2003.

[Domestic Courts and Growing NGO Investment in 'International Law': At What Cost and Consequence to Democracy?](#), 4 ENGAGE: THE JOURNAL OF THE FEDERALIST SOCIETY'S PRACTICE GROUPS 84 (May 2003).

[Property Rights, Condemnation, and Special Interests](#), Virginia Institute for Public Policy VIRGINIA VIEWPOINT No. 2003-3, April 2003.

[James Madison and the Simple Truths of Classical Liberalism](#), THE FREEMAN: IDEAS ON LIBERTY, Jan. 2003, at 14 (a publication of the Foundation for Economic Education (FEE)).

[Government 'Condemnation' Power Makes Property Rights Less Secure](#), Mackinac Center for Public Policy VIEWPOINT ON PUBLIC ISSUES No. 2002-07, Feb. 4, 2002.

[Public-Private 'Land Exchanges' Could Help Resolve Property Rights Disputes](#), Mackinac Center for Public Policy VIEWPOINT ON PUBLIC ISSUES, Sept. 2, 2002.

[South Dakota's Eminent Domain Experiment to Curb Private Condemnation by Railroads](#), 3 ENGAGE: THE JOURNAL OF THE FEDERALIST SOCIETY'S PRACTICE GROUPS 37 (Oct. 2002)

[Fighting Urban Blight or Trashing Property Rights?](#) Mackinac Center for Public Policy VIEWPOINT ON PUBLIC ISSUES, July 2, 2001. [Selected Review: John Douglas, columnist at *The Grand Rapids Press(MI)* regarding this commentary: "I don't often agree with the folks at the Mackinac Center for Public Policy ... When I do, I feel it is something I should write about." See *Unscrupulous Land Grab in Wayne County*, GRAND RAPIDS PRESS, Mar. 6, 2002, at A19.]

[Property Doesn't Commit Crimes, People Do](#), Mackinac Center for Public Policy VIEWPOINT ON PUBLIC ISSUES No. 98-15, May 4, 1998.

[The Pervasive Duty to Rescue](#), THE FREEMAN: IDEAS ON LIBERTY, June 1997, at 344 (a publication of the Foundation for Economic Education (FEE)).
[Reprinted in, *inter alia*, WHEN WE ARE FREE 77-80 (Timothy G. Nash et al. eds., Northwood Univ. Press, 5th ed. 2007) (collected works with an introduction to the book by Milton Friedman)].

[The True Takings Reform Imperative](#), THE FREEMAN: IDEAS ON LIBERTY, Feb. 1997, at 82 (a publication of the Foundation for Economic Education (FEE)).

[Real Reform in Takings Law](#), Mackinac Center for Public Policy VIEWPOINT ON PUBLIC ISSUES, March 4, 1996.

[Should Bargains Be Illegal?](#), Mackinac Center for Public Policy VIEWPOINT ON PUBLIC ISSUES No. 95-34, December 4, 1995. (Reprinted in, *inter alia*, DETROIT LEGAL NEWS).

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 at: <http://www.idahoptv.org/insession/archive.cfm> [Kochan testimony at 1:38:40]
- Forthcoming* – Panelist, Professors’ Corner (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*, Topic: “Takings Law, Permitting Processes, and 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.
- Moderator, AALS Section on Property, New Voices in Property Law: Junior Scholars Works-in-Progress Panel, San Diego, California, January 6, 2018.
- Moderator, AALS Section on Property, Panel on “Structural Facilitation of Property Markets,” San Diego, California, January 4, 2018. [Podcast here](#).
- 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](#).
- Workshop Paper Presentation, “The Market to Roam,” *Property in Ecology Workshop*, Case Western Reserve University School of Law, Cleveland, Ohio, Nov. 9-11, 2017.
- Paper Presentation on “Constitutional Rights and Framing Effects: The Keepings Clause” at the *Eighth Annual Loyola Constitutional Law Colloquium*, Loyola University-Chicago Law School, Chicago, Illinois, Nov. 3-4, 2017.

- Invited Panelist, “This Land is Whose Land? Renewed Legal Controversies Over Public Lands,” *ABA Section of Environment, Energy and Resources’ (SEER) 25th Annual Fall Conference*, Baltimore, Maryland, October 19, 2017.
- Discussant and Moderator, *Property Implications of the Sharing Economy Workshop*, Penn State Law, University Park, Pennsylvania, October 6, 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.
- Moderator, Panel on “Emerging Areas in Practice and Education” at *Chapman Law Review Symposium* on “The Future of the Legal Profession,” Orange, California, February 10, 2017.
- Moderator, AALS Section on Property Junior Scholars Works-in-Progress Program, San Francisco, California, January 4, 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 online at http://theshow.kjzz.org/content/415864/gov-ducey-threatens-legal-action-if-president-obama-sets-aside-land-around-grand](http://theshow.kjzz.org/content/415864/gov-ducey-threatens-legal-action-if-president-obama-sets-aside-land-around-grand).
- Paper Presentation on “Invisible ‘Trespass’ and the Limits of the Law: When Augmented Reality-Gaming Uses Other People’s Property as Its Playing Board,” *Whittier Law Review Symposium on Emerging Dilemmas in Entertainment Law: Resolving Technology’s New Ethical Concerns*, Whittier Law School, Costa Mesa, California, November 11, 2016.
- “Property Law Innovations for Conservation Facilitation”
Grand Rapids Lawyers Chapter of the Federalist Society, Grand Rapids, Michigan, October 28, 2016.
Michigan State University College of Law student chapters of the Federalist Society and of the Bull Moose Conservation Law Society, East Lansing, Michigan, October 27, 2016.
- 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](#).
- 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.
- Discussant, Chapman Dialogue Series with Professor Richard A. Epstein, Inaugural Laurence A. Tisch Professor of Law at the New York University School of Law, regarding “Justice Scalia’s Jurisprudential Legacy of Property Rights,” Chapman University Dale E. Fowler School of Law, Orange, California, March 14, 2016.
- Professors’ Corner (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.

“The Law and Economics of Corporate Social Responsibility,” presentation sponsored by the University of Mississippi Federalist Society, Oxford, Mississippi, February 22, 2016.

Moderator, Panel on “Administrating the Adherence: Developments and Issues with Sports Administration and Compliance” at the 2016 Chapman Entertainment & Sports Law Symposium on “Relationships, Regulations & Compliance: Forces of Change in Sports Law and Business,” Orange, California, February 12, 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 <http://www.fed-soc.org/multimedia/detail/federalism-the-environment-land-use-and-energy-independence-event-audiovideo> (Kochan presentation begins at 44:23).

Moderator, Panel on “The Corporate Perspective: Corporate Duties and Responsibilities Relating to Cyberattacks” at the 2016 *Chapman Law Review* Symposium on “Cyber Wars: Navigating Responsibilities for the Public and Private Sector,” Orange, California, January 29, 2016.

“Reading Adam Smith in Arabic: Building Western Institutions and Promoting Western Liberal Values in Countries in Transition,” presentation sponsored by the Federalist Society Student Chapter at Rice University, Houston, Texas, October 19, 2015.

“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.

“Economics-Based Environmentalism in the Fourth Generation of Environmental Law,” presentation sponsored by the Federalist Society Student Chapter at Texas Tech University School of Law, Lubbock, Texas, October 5, 2015.

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

Moderator for Panel on “Property Law, Foreclosure, and the Home” at the Association for Law, Property, and Society (ALPS) 2015 Annual Meeting, University of Georgia School of Law, Athens, Georgia, May 1, 2015.

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. Audio available at <http://rivertonradio.com/audio/mb042915publiclands.mp3>.

Discussant, SoCLASS III: Regulation, Law and Social Science, Panel on “Case Studies of Regulation,” University of Southern California, Los Angeles, California, March 27, 2015.

Discussant, Chapman Dialogue Series with Nestor Davidson, Associate Dean for Academic Affairs and Professor of Law at Fordham Law School, regarding “The Administrative City-State:

Administrative Law in Local Governance,” Chapman University Dale E. Fowler School of Law, Orange, California, March 24, 2015.

“Gridlock is Good: The Founders Vision, Cost-Enhancing Rules, Prudent Barriers to Legislation, and the Checks on Interest Group Behavior,” Milwaukee Federalist Society Lawyers Chapter, Milwaukee, Wisconsin, January 15, 2015.

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

Moderator for Panel on “Nurturing Innovation to Revive California’s Economy” at the 2014 *Nexus Journal of Law & Policy* Symposium, *Regulating California Businesses: Are Current Laws Best Serving the State’s Economic Interests or Has the Sun Set on California?*, Orange, California, October 24, 2014.

“Judging from a Position of Suspended Conclusion: A Perspective on the Judicial Neutrality Obligation and the Risks of Cognitive Biases that Impair It” – paper presentation (by invitation) at the [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.

“Eminent Domain and the Abuse of ‘Public Use’ for Private Gain: *Kelo*, Blight, Burger King and More,” University of Missouri-Kansas City School of Law Federalist Society, Kansas City, Missouri, October 8, 2014.

“[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 (panelist).

Discussant, Chapman Dialogue Series presentation by Professor Laura Underkuffler (Cornell Law School) regarding “Captured By Evil, Morals, Markets, and the Rule of Law,” Chapman Dialogue Series, Chapman University Dale E. Fowler School of Law, Orange, California, April 10, 2014.

“[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 at <http://www.youtube.com/watch?v=611wdYWqlYE>.

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.

“*Koontz*, Property Rights, and the Extreme Power of Permitting Agencies: When is an Exaction More Like Extortion?,” University of Georgia School of Law Federalist Society, Athens, Georgia, October 29, 2013.

“Reading Adam Smith in Arabic: Building Western Institutions and Promoting Western Liberal Values in Countries in Transition,” Presentation Sponsored by the Muslim Law Student Association and the Federalist Society Student Chapter at Western State College of Law, Fullerton, California, October 7, 2013.

- “The Law and Economics of Redevelopment: *Kelo* and Beyond,”
University California-Irvine School of Law Federalist Society, Irvine, California,
September 30, 2013.
University of Southern California School of Law Federalist Society, Los Angeles, California,
April 22, 2014
- “Anti-Interference: A Libertarian Perspective on Equality, with an Emphasis on the Cases on Same Sex Marriage and Affirmative Action,”
Loyola Law School, Los Angeles Federalist Society, Los Angeles, California,
September 24, 2013.
University of the Pacific McGeorge School of Law Federalist Society, Sacramento, California,
October 10, 2013.
- “[Conservative Principles for Environmental Reform](#),” A Teleforum Sponsored by the Environmental Law and Property Rights Practice Group of the Federalist Society, May 16, 2013 (commenter).
Internet Podcast available at <http://www.fed-soc.org/multimedia/detail/conservative-principles-for-environmental-reform-podcast>.
- “[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 Internet Podcast available at <http://www.fed-soc.org/multimedia/detail/the-future-of-publicly-owned-lands-podcast>.
- “The Law and Economics of Corporate Social Responsibility,” Hamline University School of Law Federalist Society, St. Paul, Minnesota, November 5, 2012.
- “[The 1789 Alien Tort Statute and Human Rights Abuses Today](#),” luncheon sponsored by the Federalist Society International Law and National Security Practice Group and the Orange County Lawyers Chapter, Irvine, California, June 21, 2012 (panelist).
- “[Global Governance vs. National Sovereignty: Is it the West’s Next Great Ideological War?](#),” American Freedom Alliance International Conference, Los Angeles, California, June 10-11, 2012 (panelist on two panels: “The Politicization of International Law and its Impact upon National Sovereignty” (showcase panel) and “Lawfare, International Humanitarian Law and their role in Undermining Sovereignty” (breakout panel)).
- “The Alien Tort Statute, *Kiobel*, and the Perils and Illegitimacy of Creating Corporate Liability in International Law,”
Whittier Law School Federalist Society, Nov. 17, 2011
Seton Hall School of Law Federalist Society, Newark, New Jersey, Feb. 27, 2012
Rutgers-Newark School of Law Federalist Society, Newark, New Jersey, February 28, 2012
William Mitchell College of Law Federalist Society, St. Paul, Minnesota, March 19, 2012
Hamline University School of Law Federalist Society, St. Paul, Minnesota, March 20, 2012
Thomas M. Cooley Law School Federalist Society, Lansing, Michigan, March 26, 2012
University of Memphis Federalist Society, Memphis, Tennessee, April 3, 2012
Creighton University School of Law Federalist Society, Omaha, Nebraska, April 9, 2012
Hofstra University School of Law Federalist Society, Hempstead, New York, April 16, 2012
University of Arizona School of Law, Tucson, Arizona, September 18, 2012

- “Proposition 8, Constitutional Law v. Policy, and Same Sex Marriage in an Anti-Interference Perspective on Equality,”
Benjamin N. Cardozo School of Law Federalist Society, New York, New York, March 1, 2012
Univ. of California-Davis School of Law Federalist Society, Davis, California, March 5, 2012
California Western School of Law Federalist Society, San Diego, California, March 13, 2012
Univ. of California Irvine School of Law Federalist Society, Irvine, California, April 12, 2012
- Federalist Society SCOTUS-Cast on Oral Argument in *PPL Montana v. State of Montana*, Dec. 20, 2011.
Audio available at <http://www.fed-soc.org/multimedia/detail/ppl-montana-llc-v-montana-post-argument-scotuscast>.
- “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 (panelist),
Video available at <http://www.fed-soc.org/multimedia/detail/property-rights-the-forgotten-spark-of-the-arab-spring-event-audiovideo>.
- “Civil Resistance and the Law: Non-Violent Transitions to Democracy,” *West Virginia Law Review* Symposium, November 10, 2011 (panelist).
- “[The Rise of Lawfare, the Politicization of International Law and the Challenges to U.S. Sovereignty](#),”
American Freedom Alliance International Conference of the Air, January 16, 2011 (panelist).
[Audio available](#) (presentation at hour 3).
- KUCI, 88.9 FM, *The Docket*, June 17, 2010, University of California, Irvine Radio: “The Seventeenth Amendment.”
- “Beyond Copenhagen: An International Conference on Climate Change,” Panel on “International Law,”
Chapman University, Orange, California, April 23, 2010 (moderator).
- “Federal Court Standards for Ripeness in Takings Claims,” Federalist Society Podcast, March 2010
(moderator), audio available at <http://www.fed-soc.org/multimedia/detail/federal-courts-standards-for-ripeness-and-takings-claims-podcast>.
- “[Corporations and International Law](#),” *Santa Clara University School of Law, Santa Clara Journal of International Law Symposium, Santa Clara, California, March 12-13, 2010* (panelist)
- “The Constitutionality of the Pending Health Care Reform Legislation,” Chapman University School of Law, Orange, California, February 4, 2010 (moderator).
- “The 80th Anniversary of the Great Crash of 1929: Law, Markets, and the Role of the State,” Chapman University School of Law, Orange, California, October 30, 2009 (panelist).
- “Want a Building Permit? Then Give Up Your Right to Vote? – And Other Land Use Regulation Stories,” Chapman University School of Law, Orange, California, March 11, 2009 (panelist)
- “The Law and Economics of Redevelopment: *Kelo* and Beyond,” Cornell Law School Federalist Society, Ithaca, New York, April 21, 2008 (debate)
- “Hobbesian Man, Lockean World – Have We Solved the Conflict? Eminent Domain and the State as the Proverbial Hobbesian Man in the Displacement of Property Rights,” University of San Diego

School of Law Federalist Society, San Diego, California, April 16, 2008 (presenter with commenter)

“Eminent Domain, Property Rights, and Ballot Proposals: Where Do the Government Powers End and the Citizens’ Rights Begin? – A Post-*Kelo* Discussion,” Chapman University School of Law, Orange, California, April 15, 2008 (panelist)

“Global Markets and International Law,” University of Indiana-Indianapolis School of Law Federalist Society, Indianapolis, Indiana, April 3, 2008 (presenter)

“Litigation and Human Rights: Universal Jurisdiction, Liability Risks, and the Effects on Investment and Entrepreneurship in Developing and Troubled Nations,” Case Western Reserve University School of Law Federalist Society, Cleveland, Ohio, March 21, 2008 (presenter)

“The Law and Economics of Judicial Behavior: Questioning Decisional Outcomes,” Regent University School of Law Federalist Society, Virginia Beach, Virginia, March 19, 2008 (presenter)

The Hugh Hewitt Show, October 18, 2007, Topic: Hoax or Horror Stories? (debate)

The Hugh Hewitt Show, October 2, 2007, Topic: Lawsuits and Tort Reform – The *Stoneridge* Case

“How Should the Courts Interpret Split Decisions?” Federalist Society Audio Webcast/Teleconference, Washington, D.C., June 21, 2007 (panelist), audio available at <http://www.fed-soc.org/multimedia/detail/how-should-the-courts-interpret-split-decisions-event-audio>.

“Celebrity and the Law,” Federalist Society Orange County Lawyers Chapter, Irvine, California, May 23, 2007 (discussant); Federalist Society Los Angeles Lawyers Chapter, Los Angeles, California, May 22, 2007 (discussant).

Moderator, “Miranda in Modern Practice: Does it Protect the Innocent or the Guilty,” Panel 3 at Symposium: “*Miranda* at 40: Applications in a Post-Enron, Post 9/11 World: Introduction *Miranda* at 40: Post-Enron, Post-9/11 World,” Chapman University School of Law, Orange, California, January 26, 2007.

The Hugh Hewitt Show, October 13, 2006, Topic: Eminent Domain: Merits and Fallout from the Supreme Court’s *Kelo* Decision.

Moderator for Panel, “Empirical Law & Economics,” Southeastern Association of Law Schools (SEALS) Annual Conference, July 17, 2006, Palm Beach, Florida.

“You Mean, I Can’t Do That? Emerging Issues in Human Resources-Related Employment Discrimination Law and Liability,” Chapman University School of Law, April 12, 2006, Orange, California (panelist).

Moderator for Panel, “Historical Perspectives on War and Insecurity,” Center for Global Trade and Development 2d Annual Symposium: “Are We At War?”, Chapman University School of Law, April 6, 2006, Orange, California.

“Runoff and Reality: Externalities, Economics and Traceability Issues in Urban Runoff Regulation,” Chapman University Law Review Symposium, Orange, CA, January 27, 2006 (panelist).

“Dangerous Liaisons: Insurance, Moral Hazards, Crises, Property Rights, Risky Places, and Human Decisions,” on the “Fire, Famine, Flood and Pestilence: Man v. Nature” panel, UCLA Public Policy Program, 20th Annual Land Use Law and Planning Program, January 20, 2006, Los Angeles, California (panelist).

NPR, 89.3 KPCC Radio, December 30, 2005; Topic: “New State Laws - A Year in Review” (1 hour segment on California legislative developments).

Fox News Channel, The O’Reilly Factor (hosted by John Kasich), December 29, 2005; Interview on *Josephs v. PacBell* and the Ninth Circuit’s View of ADA Protection for the criminally insane.

“The Jurisprudence of Justice Antonin Scalia,” Chapman University School of Law Federalist Society Student Chapter, August 24, 2005, Orange, California.

“The Jurisprudence of Justice Antonin Scalia,” Southeastern Association of Law Schools (SEALS) Annual Conference, July 21, 2005, Hilton Head, South Carolina (panelist).

Guest Lecturer, Chapman University; Course: Environmental Economics, Orange, California, May 2005.

Chapman University School of Law’s Center for Global Trade and Development Inaugural Symposium, Panel #2: “Labor Rights, Human Rights and Democracy in Distress”, Orange, California, February 24, 2005: Moderator and Presenter on panel “Litigating Human Rights and Labor Standards in Domestic and Foreign Forums”

Panelist, Implications of the Film “Fahrenheit 911” (an interdisciplinary post-viewing panel of Chapman professors) (2005).

Defense Research Institute, “Supreme Court Review,” Civil Rights and Government Tort Liability Annual National Conference, San Diego, California, January 28, 2005.

Chapman University School of Law, Faculty Workshop, “Civil Actions and the Destruction of Reciprocity Effects in International Law: The Inefficiency of Civil Enforcement of International Norms,” 2003.

Faculty and Law & Economics Workshop, University of Virginia School of Law, Charlottesville, Virginia, November 10, 2003: “The Political Economy of the Production of Customary International Law: The Role of NGOs and United States Courts”

Federalist Society 2003 National Lawyer’s Convention, Washington, D.C., November 13-15, 2003 [panelist on “American Courts as the World’s Policemen?: A Debate on the Alien Tort Claims Statute”]

Rocky Mountain Mineral Law Foundation 49th Annual Institute, San Diego, California, July 25, 2003: “An Examination of Increasing Protection for Sacred Sites and the Trust Responsibilities of the Federal Government.”

Washington Legal Foundation Media Briefing, Washington, D.C., March 12, 2003: “Alien Tort Claims Lawsuits: Advancing Human Rights or Undermining U.S. Businesses and Policy?” (panelist)

Faculty Workshop, George Mason University School of Law, Arlington, Virginia, February 11, 2003: “The Political Economy of the Production of Customary International Law: The Role of NGOs and United States Courts.”

Institut für Recht und Ökonomik Doctoral Seminar in Law & Economics, Fachbereich Rechtswissenschaft, Universität Hamburg, February 6, 2003: “Legislative versus Popular Election of Senators and Delegates in the United States and the European Union: Lessons for State Legislative Sovereignty from the American Seventeenth Amendment Experience.”

Robert A. Levy Workshop in Law & Liberty, George Mason University School of Law, Arlington, Virginia, November 14, 2002: “The Role of Domestic Courts in the Face of Growing NGO Investment in ‘International Law’: Why, How, and At What Consequence?”

Annual Meeting of the Interstate Mining Compact Commission, Hot Springs, Arkansas, April 23, 2001: “Historic Preservation Issues Affecting the Mining Industry.”

Environmental Law in the 21st Century, Conference Sponsored by the Federalist Society, Lewis & Clark College Northwestern School of Law, Portland, Oregon, October 25, 2001: moderator of panel on free market principles in the regulation of air, water and hazardous waste.

Mackinac Center “Issues and Ideas” Luncheon, Lansing, Michigan, July 1999: “The State of Property Rights and Takings Law in Michigan.”

SELECTED CITATIONS

Cited and/or quoted (beyond mere acknowledgements), one or more times, in dozens of books and in more than 350 scholarly articles published in, *inter alia*, the following law journals:

CITATIONS IN MAIN JOURNALS INCLUDE:

Yale Law Journal; Harvard Law Review; Stanford Law Review; Columbia Law Review; University of Chicago Law Review; NYU Law Review; University of Pennsylvania Law Review; Duke Law Journal; Virginia Law Review; Michigan Law Review; Northwestern University Law Review; Cornell Law Review; Georgetown Law Journal; Vanderbilt Law Review; Emory Law Journal; Minnesota Law Review; Southern California Law Review; Alabama Law Review; George Washington Law Review; Notre Dame Law Review; Arizona State University Law Journal; Boston University Law Review; Washington Law Review; William and Mary Law Review; U.C. Davis Law Review; BYU Law Review; Fordham Law Review; Indiana Law Journal; Ohio State Law Journal; University of Colorado Law Review; University of Illinois Law Review; Washington & Lee Law Review; Southern Methodist University Law Review; Maryland Law Review; Pepperdine Law Review; Case Western Reserve University Law Journal; Hastings Law Journal; Houston Law Review; Missouri Law Review; Seton Hall Law Review; Connecticut Law Review; Kentucky Law Journal; Denver University Law Review; Nevada Law Journal; Oklahoma Law Review; American University Law Review; Penn State Law Review; San Diego Law Review; Loyola L.A. Law Review; Cardozo Law Review; Saint Louis University Law Journal; Syracuse Law Review; Villanova Law Review; Lewis and Clark Law Review; Louisiana Law Review; Buffalo Law Review; Brooklyn Law Review; Law Review of Michigan State, University Detroit College of Law; Michigan State Law Review; Santa Clara Law Review; Mississippi Law Journal; West Virginia Law Review; Indiana Law Review; Howard Law Journal; Drake Law Review; Seattle University Law Review; Duquesne Law Review; Willamette Law Review; DePaul Law Review; Vermont Law Review; Chapman Law Review; Idaho Law Review; Montana Law Review; St. Thomas Law Review; Albany Law Review; University of San Francisco Law Review; University of Toledo Law Review; Hamline Law Review; University of Dayton Law Review; South Dakota Law Review; Oklahoma City University Law Review; Texas Wesleyan Law Review; California Western Law Review; Capital University Law Review; Mississippi College Law Review; New England Law Review; Regent University Law Review; Southwestern University Law Review; St

Mary's Law Journal; Suffolk University Law Review; Valparaiso University Law Review; Western State University Law Review; Tel Aviv University Law Review; Utrecht Law Review

CITATIONS IN SPECIALTY JOURNALS RELATED TO

PROPERTY LAW, ADMINISTRATIVE LAW, OR ENVIRONMENTAL LAW INCLUDE:

Stanford Environmental Law Journal; NYU Environmental Law Journal; Virginia Environmental Law Journal; Michigan Journal of Environmental & Administrative Law; Texas Environmental Law Journal; Boston College Environmental Affairs Law Review; Fordham Environmental Law Review; Administrative Law Review; Vermont Journal of Environmental Law; LSU Journal of Energy Law & Resources; Denver Water Law Review; Buffalo Environmental Law Journal; Real Property, Probate and Trust Journal; Hastings West-Northwest Journal of Environmental Law and Policy; Ecology Law Quarterly; Journal of Land Use & Environmental Law; Texas Tech Administrative Law Review; Real Property Trust & Estate Law Journal; Environmental & Energy Law & Policy Journal; Rocky Mountain Mineral Law Foundation Annual Institutes; Environmental Law Reporter News & Analysis; New Zealand Journal of Environmental Law; European Property Law Journal

CITATIONS IN SPECIALTY JOURNALS RELATED TO LAW & POLICY OR

LAW & PHILOSOPHY OR LAW & ECONOMICS INCLUDE:

Yale Law & Policy Review; Stanford Law & Policy Review; Supreme Court Economic Review; American Economic Review; University of Michigan Journal of Law Reform; Harvard Journal of Law & Public Policy; University of Pennsylvania Journal of Constitutional Law; Kansas Journal of Law & Public Policy; Journal of Law & Politics; Boston University Public Interest Law Journal; Southern California Interdisciplinary Law Journal; William and Mary Bill of Rights Journal; Cornell Journal of Law and Public Policy; Alabama Civil Rights & Civil Liberties Law Review; Temple Political and Civil Rights Law Review; Hamline Journal of Public Law & Policy; Cato Supreme Court Review; Notre Dame Journal of Law, Ethics & Public Policy; NEXUS: Chapman's Journal of Law & Policy

CITATIONS IN SPECIALTY JOURNALS RELATED TO INTERNATIONAL LAW INCLUDE:

Yale Journal of International Law; Harvard International Law Journal, Virginia Journal of International Law; New York International Law Review; Berkeley Journal of International Law, UCLA Journal of International Law and Foreign Affairs; Stanford Journal of International Law; George Washington International Law Review; Michigan Journal of International Law; Minnesota Journal of Global Trade; American University International Law Review; Emory International Law Review; Fordham International Law Journal; Harvard Human Rights Journal; Cardozo Journal of International & Comparative Law; Journal of Transnational Law & Policy; Georgia Journal of International & Comparative Law; Human Rights; Houston Journal of International Law; Indiana Journal of Law & Global Studies; Loyola University Chicago International Law Review; Washington International Law Review; Temple International and Comparative Law Review; Suffolk Transnational Law Review; Touro International Law Review; Washington University Global Studies Law Review; Vanderbilt Journal of Transnational Law; Michigan State University Journal of International Law; ILSA Journal of International and Comparative Law; South Carolina Journal of International Law & Business; Pacific Rim Law & Policy Journal; Canada-United States Law Journal; American Journal of International Law; Law & Ethics of Human Rights Journal; Leiden Journal of International Law

CITATIONS IN OTHER SPECIALTY AND MISCELLANEOUS ACADEMIC JOURNALS INCLUDE:

Journal of Legal Education; Delaware Journal of Corporate Law; Journal of Corporation Law; Review of Banking & Financial Law; U.C. Davis Business Law Journal; Berkeley Journal of Employment & Labor Law; Cardozo Journal of Law & Gender; Federal Circuit Bar Journal; Urban Lawyer; Wisconsin Law Review Forward; University of Miami Business Law Review; Berkeley La Raza Law Journal; American Business Law Journal; American Intellectual Property Law Association Quarterly Journal; Defense Counsel Journal; Transactions: Tennessee Journal of Business Law; Journal of the Legal Profession; Southern Methodist University Science & Technology Law Review; Michigan Telecommunications & Technology Law Review; Communications Law and Policy; Rutgers Computer and Technology Law Journal; Public Administration Quarterly; Clinical Law Review; Business Ethics Quarterly; British Journal of American Legal Studies; Veterans Law Review; Canadian Journal of Law & Technology; Military Law Review; American Indian Law Review; Monash University Law Review; Law Library Journal; British Journal of Political Science; California Law Review Circuit

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