

April 3-4, 2009 New Orleans, Louisiana


14th Annual Tulane Law School Summit on Environmental Law & Policy

# Defining **Green** in Times of Change



OPEN TO ATTORNEYS, STUDENTS (FREE), GENERAL PUBLIC

Sponsored by F. Gerald Maples, P.A. and Stephen M. Wiles



A new administration, economic recovery, climate change...What does it all mean Now to be “green”?

#### **2009 Summit Planning Committee**

Lindsay Ellis, *Chair*

Patrick Hernon, *Speaker Co-Chair*

Melissa Marsh, *Speaker Co-Chair*

Brian McGarry, *Speaker Co-Chair*

Diana Csank, *Outreach*

Claire Yancey, *Outreach*

Tyler Maulsby, *Marketing & Media*

Lindsay Spann, *Administration*

Matt Altaras, *Finance*

Carrol Hand, *Logistics*

Barry Griffith, *Food & Entertainment*

Allison Shipp, *Travel & Hospitality*

Alayne Gobeille, *Activities*

Matt Barison, *Technology*

Matthew Miller, *Environmental Law Society President*

#### **Tulane University Environmental Law Summit**

6329 Freret Street , Suite 353

New Orleans, LA 70118

Presented by Tulane Environmental Law Society

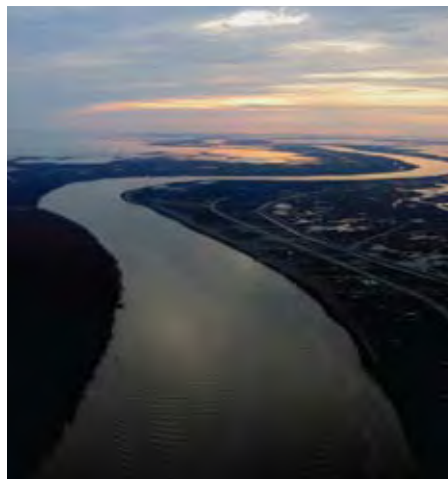
<http://summit.law.tulane.edu>

e-mail: [envirolawsummit@tulane.edu](mailto:envirolawsummit@tulane.edu)

IN THE WAKE OF HURRICANE KATRINA, NEW ORLEANS IS NOW THE IDEAL VENUE TO REDEFINE THE MEANING OF GREEN.

## Times are changing.

Our country is experiencing changing political, economic and physical landscapes. In Washington, a new administration will inherit not only preexisting environmental challenges but a spectrum of competing responses as well. The current economic crisis has potential to threaten among much else, conservation efforts and the development of green technologies and at the same time, our physical environment is seeing degradation of natural resources, threatened wildlife populations, sprawling exurbs, shifting energy portfolios, mounting contamination in oceans and waterways and increasing storm surges. And in 2009, the Gulf Coast remains a flashpoint for preservational crisis.



# FRIDAY, APRIL 3, 2009

8:00 am – 11:00 am

Registration, Weinmann Hall Lobby,  
Tulane University Law School

8:45 am – 9:45 am

**Ethics, version 2.009**

A presentation of recent developments in Louisiana ethics law.

**Dane S. Ciolino:** *Alvin R. Christovich Distinguished Professor of Law, Loyola University New Orleans College of Law*

**William M. Ross, Esq:** *Stanley, Reuter, Ross, Thornton & Alford, LLC*

10:00 am - 11:00 am

**Professionalism, version 2.009**

A presentation of recent developments in professional requirements for the legal practitioner.

**Pam Metzger:** *Associate Professor of Law, Tulane University Law School*

11:15 am – 11:30 am – **Welcome Address**

11:30 am - 1:00 pm

**“The Low-Carbon Diet”**

We are what we eat, and so is the planet. Experts in climate change, agriculture and ecology will discuss how we grow food, what we eat, and the impacts of “industrial” farming. Presented by Tulane University Student Animal Legal Defense Fund (SALDF).

**Mike Tidwell:** *Founder & Director, Chesapeake Climate Action Network & author, “The Ravaging Tide: Strange Weather, Future Katrinas, and the Coming Death of America’s Coastal Cities” and “Bayou Farwell”*

**Gowri Koneswaran:** *Director of Animal Agricultural Impacts, Farm Animal Welfare, The Humane Society of the United States*

**This Land is \_\_\_\_ Land**

An examination of constitutional takings issues in recent environmental litigation. Discussion will range from climate change and resultant coastal loss to flood liability questions in federal navigational projects.

**John Echeverria:** *Executive Director, Georgetown Environmental Law & Policy Institute*

**James Titus:** *Environmental Protection Agency*

**Stephen M. Wiles:** *Reasonover & Olinde*

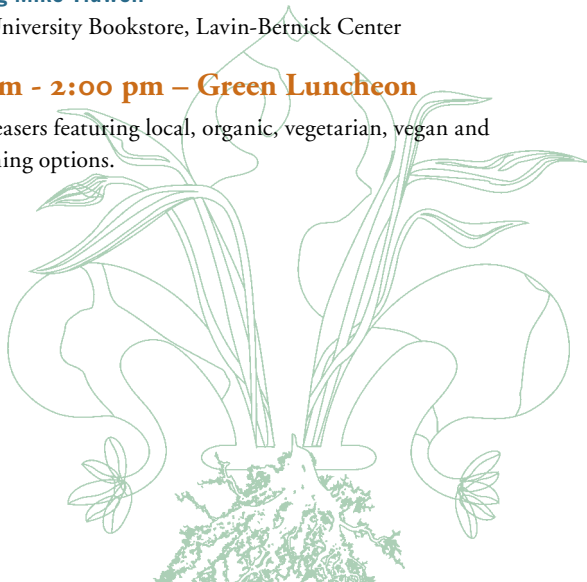
1:30 pm - 2:00 pm – **Book Signing**

**Featuring Mike Tidwell**

Tulane University Bookstore, Lavin-Bernick Center

1:00 pm - 2:00 pm – **Green Luncheon**

Palate pleasers featuring local, organic, vegetarian, vegan and green dining options.



2:00 pm - 3:30 pm

**Are the Supremes Green?**

Federal pre-emption of state regulation tops headlines in 2009, not only in tobacco and pharmaceutical cases before the Court, but also in the Obama administration’s push to decentralize emissions standards. A timely look at the future of federal pre-emption of state environmental controls, as well as a review of the United States Supreme Court’s current environmental caseload. Sponsored by the Federal Bar Association Environment, Energy & Natural Resources Section.

**James Tripp:** *General Counsel, Environmental Defense Fund*

**John Cruden:** *Deputy Assistant Attorney General, Environment and Natural Resources Division, Department of Justice*

**Richard J. Lazarus:** *Professor of Law, Georgetown University Law Center*

**Keith Werhan:** *Ashton Phelps Chair of Constitutional Law, Tulane University Law School*

**Going Green in the Big Easy**

How can environmentally conscious consumers be more “green” without breaking the bank? Three new programs putting the Crescent City on the path to green, including local government, energy and construction initiatives.

**Hampton Barclay:** *Green Building Director, Home Builders Association of Greater New Orleans*

**Forest Bradley-Wright:** *Sustainable Rebuild Coordinator, Alliance for Affordable Energy*

**Shelly Midura:** *Chair, Utility Committee, New Orleans City Council District A*

**Dana M. Shelton:** *Attorney of Law, Stone, Pigman, Walther, Wittmann, LLC*

**Carbon: Tax it or Trade it?**

With a New Administration at the helm, the debate on which system for reducing carbon emissions is before us. Should a Cap & Trade system or a Carbon Tax be the policy of America?

**Steve Cochran:** *Director, National Climate Change Campaign, Environmental Defense Fund*

**David M. Uhlmann:** *Jeffrey F. Liss Professor from Practice, Director, Environmental Law and Policy Program, University of Michigan Law School*

**Robert R.M. Verchick:** *Gauthier-St. Martin Eminent Scholar Chair in Environmental Law, Loyola University New Orleans College of Law*

### 3:45 pm - 5:00 pm – Keynote Address



**Matt Petersen, President,  
Global Green USA.**

*“The New Orleans Nexus - Creating Green Jobs, Green Cities, and New Models of Sustainability. Can the Big Easy help move our nation from being perceived as a nation of profiteers to a country of social entrepreneurs?”*

Matt Petersen, Global Green USA President, CEO and board member, joined Global Green USA in 1994. He serves on the Council of Green Cross International, and is Chair of the GCI Energy and Resource Efficiency program. Petersen drives and guides Global Green USA's new programs, including work on water and energy, green power, climate change, and nuclear weapons.

In the aftermath of the Gulf Coast hurricanes, Petersen put forth a vision and mobilized resources to create the Global Green “Healthy Homes and Smart Neighborhoods” initiative which resulted in: the New Orleans Sustainable Design Competition with Jury Chair Brad Pitt; the NOLA Green Schools Initiative funded by the Bush Clinton Katrina Fund; and work with Habitat for Humanity throughout the Gulf Coast to create more energy efficient housing.

**Moderated by Beth Galante:** *Environmental Lawyer and Director, Global Green New Orleans. Sponsored by the Tulane University Law School Student Bar Association.*

### 5:00 pm - 6:00 pm – Reception

**Woldenberg Arts Center, Tulane University**

Food, drinks, and live music

### 6:00 pm - 8:00 pm

**MisLEAD,** *Woldenberg Arts Center, Tulane University*

“We tested your seat before the show. You don't have to move, but we'll need to replace it.” (an original Tulane University Law School theatrical production)

## SATURDAY, APRIL 4, 2009

### 9:30am – 9:45am – Welcome Address

### 9:45 am - 11:15 am

#### **We the People**

The Environmental Justice movement has become one of the most powerful efforts in environmental law. An exploration into issues including waste disposal and the displacement of low-income residents for large scale development projects.

**Darryl Malek-Wiley:** *Regional Representative, Environmental Justice Organizer, Sierra Club*

**Reilly Morse:** *Senior Attorney, Mississippi Center for Justice*

**Tracie Washington:** *Director, Louisiana Justice Institute*

**Monique Harden:** *Director, Advocates for Environmental Human Rights*

#### **Creatures Great and Small**

Smaller creatures are not only building blocks for nature, but they also deliver the warning signals for climate change. Focus will be on roles, threats and legal remedies.

**Dr. Robert A. Thomas:** *Acting Director, Loyola School of Communications*

**Dr. Paul Hartfield:** *United States Fish and Wildlife Service*

**Dr. Ellen Smith:** *Insectarium, Audubon Institute (invited)*

**Robert J. Wiygul:** *Attorney at Law (invited)*

### 11:30 am - 1:00 pm – Keynote Address (pending)



**Lisa Jackson, Administrator, (Pending)  
Environmental Protection Agency**

*Ms. Jackson leads a staff of approximately 18,000 professionals dedicated to protecting the public health and environment of all Americans. She is the first African American to serve as Administrator of the EPA.*

Previously, Jackson served as Chief of Staff to New Jersey Governor Jon S. Corzine and Commissioner of the state's Department of

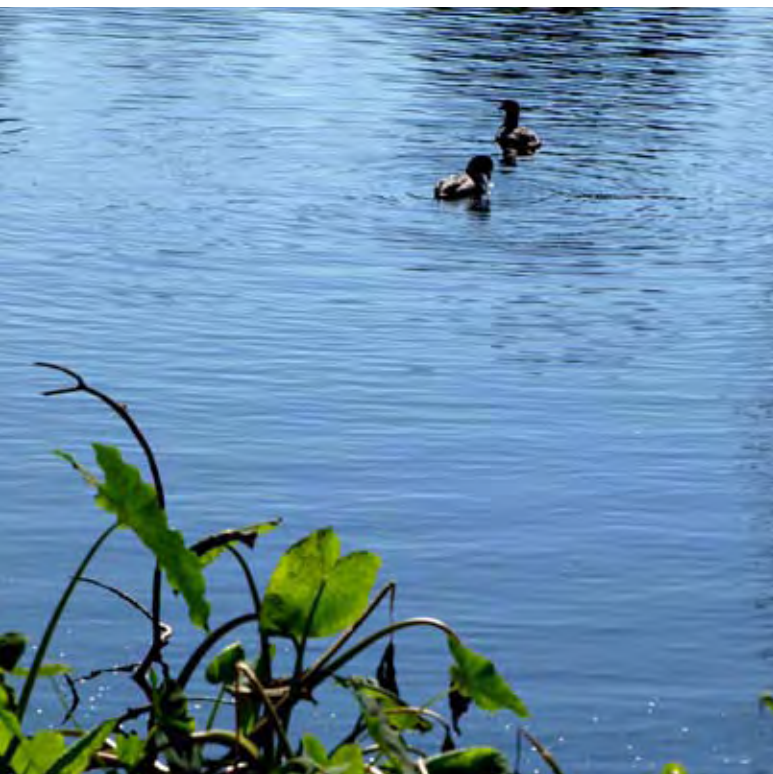
Environmental Protection (DEP) in 2006. While Commissioner, Jackson was known for her advocacy for reducing greenhouse gases, aggressively addressing pollution, and having an open and honest dialogue with stakeholders in the public policy process. She was also noted for ensuring that underserved communities received fair environmental protection under the law.

Jackson is a summa cum laude graduate of Tulane University's School of Chemical Engineering, earned a master's degree in chemical engineering from Princeton University, and grew up a proud resident of New Orleans, Louisiana.

### 1:00 pm - 2:00 pm

#### **Summit Luncheon**

Choose from on-site lunch or enjoy free admission to the **Crawfest** festivities on the main Tulane campus.





**2:00 pm - 3:30 pm**

### **A Reservation of Rights**

The environment is historically and intimately intertwined with the Native American culture. Focus will be on federal mismanagement of tribal resources and species, and the resultant threat to Native American way of life.

**Ed Chaney:** *President, Chinook Northwest, Inc.*

**Russell Jim:** *Director, Environmental Restoration and Waste Management Program, Yakama Indian Nation*

**Joel Waltzer:** *Waltzer & Associates Law Firm*

### **The Future of Oil...Now**

Louisiana contains one of the richest supplies of petroleum in the United States—so what will a fluctuating domestic oil industry and competition from international sources mean? A look at Louisiana's strategic petroleum reserves, the New Administration's leasing policies and what it all means for Louisiana's future.

**J. Madison Drake:** *Systems Engineer, United States Department of Energy*

**Eric Smith:** *Director, Entergy-Tulane Energy Center*

**John W. Day Jr.:** *Distinguished Professor, Coastal Ecology Institute, Louisiana State University*

**Meryl Andry:** *Leasing Program Manager, Office of Leasing & Environment, United States Mineral Management Service*

### **Live from the Dead Zone**

Voices from the front lines of coastal advocacy, including hypoxia litigation. Discussion not only examines the Gulf Coast's expanding Dead Zone, but also analogizes legal and policy strategies initiated in at-risk coastal regions across the country. Sponsored by the Gulf Restoration Network.

**Matt Rota:** *Director, Water Resources Program, Gulf Restoration Network*

**Jon Mueller:** *Director of Litigation, Chesapeake Bay Foundation*

**Tim Osborn:** *Manager, NOAA, Office of Coast Survey, Eastern Gulf*

**3:45 pm - 5:15 pm**

### **An Eminent Domain**

Can the government take your property so that somebody can make money from it? A discussion of eminent domain as a tool for re-development following *Kelo v. City of New London*, with a focus on New Orleans issues.

**John Costonis:** *Chancellor Emeritus and Professor of Law, Louisiana State University Law Center*

**David Marcello:** *Executive Director, The Public Law Center, Tulane University Law School*

**John Lovett:** *Associate Professor, Loyola University New Orleans College of Law*

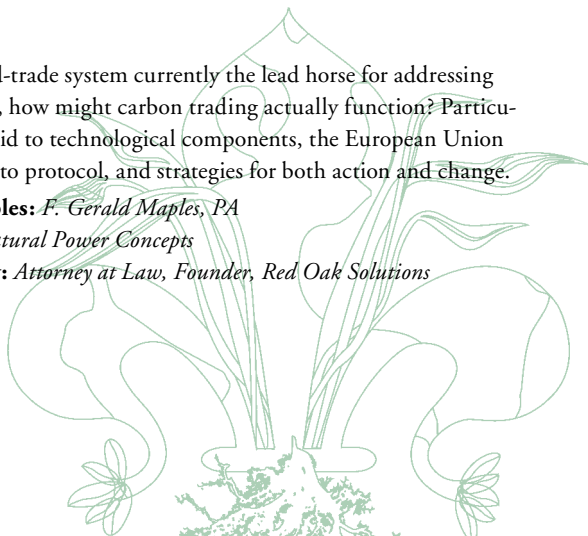
### **Footnote 18**

With a cap-and-trade system currently the lead horse for addressing climate change, how might carbon trading actually function? Particular attention paid to technological components, the European Union model, the Kyoto protocol, and strategies for both action and change.

**F. Gerald Maples:** *F. Gerald Maples, PA*

**John Pitre:** *Natural Power Concepts*

**Brian Murphy:** *Attorney at Law, Founder, Red Oak Solutions*



### **The River, Re-Imagined**

A collection of perspectives as diverse as the tributaries serving America's great pathway. Dialogue enriches an understanding of the Mississippi's natural and utilitarian roles, and poses solutions to issues of riparian land use, upstream damming, and sediment loadings, the sine qua non of coastal restoration.

**Murray Lloyd:** *Attorney at Law*

**Tom Sands:** *Lt. General (ret.), Army Corps of Engineers*

**Garrett Graves:** *Louisiana Governor's Office of Coastal Activities (invited)*

**4:30 pm - 5:00 pm – Book Signing**

**Featuring Bill McKibben**

Tulane University Bookstore, Lavin-Bernick Center

**5:15 pm - 6:00 pm – Cocktail Reception**

Sponsored by Jones Walker

**6:00 pm - 7:30 pm – Keynote Address**



### **Bill McKibben, author, "Deep Economy"**

Bill McKibben is an American environmentalist and writer who frequently writes about global warming, alternative energy, and the risks associated with human genetic engineering. Beginning in the summer of 2006, he led the organization of the largest demonstrations against global warming in American history.

His first book, *The End of Nature*, was published in 1989, is regarded as the first book for a general audience about climate change, and has been printed in more than 20 languages. In March 2007 McKibben published *Deep Economy: the Wealth of Communities and the Durable Future*. It addresses what the author sees as shortcomings of the growth economy and envisions a transition to more local-scale enterprise.

Bill has been awarded Guggenheim and Lyndhurst Fellowships, and won the Lannan Prize for nonfiction writing in 2000. He has honorary degrees from Green Mountain College, Unity College, Lebanon Valley College and Sterling College.

## **SUNDAY, APRIL 5, 2009**

Following completion of the Summit, join us for an exciting and authentic Southeastern Louisiana outing! Transportation will be provided, but first come, first served. Please indicate preferred outing and include applicable fee in registration payment.

**Holy Cross private tour – \$15** Private tour by the Preservation Resource Center featuring historic preservation and sustainability initiatives in post-Katrina rebuilding projects. (subject to weather)

**Turtle Cove – \$15** Private tour of Manchac wetlands led by scientists aboard a 38-foot pontoon boat. Exploration includes wetlands ecology and marsh restoration of the Lake Pontchartrain basin. (subject to weather)

Additionally, the **Louisiana Bucket Brigade** will be hosting its Earth Day Festival in Bayou St. John, Sunday April 5th, from 8:00a–6:00p. Please visit: [www.labucketbrigade.org](http://www.labucketbrigade.org) for more information or, purchase your tickets at the Summit!

# REGISTRATION

## REGISTRATION METHODS

**Online:** Online registration will be available through Tulane's Continuing Legal Education office until Tuesday, March 31, 2009.

**Fax :** (504) 866-1583 (registration form must include Visa or MasterCard number)

**Mail:** Make checks payable to: Tulane Law School CLE. Mail registration form and check to: Tulane Law School CLE, Environmental Law Society Summit, 7016 Zimple Street, New Orleans, Louisiana 70118.

**On Site:** Registration will open on site on Friday, April 3, 2009 at 8:00 a.m.

**Course Materials:** Course materials are included in your registration fee and will be available on CD on the first day of the Summit. Additional copies of course materials on CD can be purchased for an additional fee of \$10 and will be mailed after the conclusion of the Summit.

**Cancellation and Refunds:** There will be no registration refunds and/or cancellation refunds at any time. However, a cancellation can be transferred from one member of an organization, firm or company to another member of the same organization, firm or company until March 27, 2009. All substitutions/transfers must be submitted in writing either by fax at (504) 866-1583 or by e-mail at [patsmith@tulane.edu](mailto:patsmith@tulane.edu). All substitutions/transfers must be received in the CLE office no later than 5 pm on March 27, 2009.

**Continuing Education Credits:** The program will offer MCLE credit. 60 minutes states: 9.5 CLE credits, 50 minutes states: 11.4 CLE credits

## REGISTRATION FEES

- \$0 Tulane Faculty, Staff, Students
- \$0 Non-Tulane Students
- \$250 **Full Registration:** General Public
- \$125 **One Day** – General Public
- \$100 **Full Registration** – Judges, Government, Paralegals, Tulane Alumni, Non-Tulane Academic, Faculty, Staff, Non-Profits
- \$60 **One Day** – Judges, Government, Paralegals, Tulane Alumni, Non-Tulane Academic, Faculty, Staff, Non-Profits
- \$15 Sunday Outing
- \$10 Additional copies of course materials on CD

**Make Checks Payable to:** *Tulane Law School CLE*;  
**Mail registration form and check to:** *Tulane Law School CLE,  
Tulane Environmental Law Summit, 7016 Zimple Street,  
New Orleans, LA 70118*

## I WILL ATTEND

- Friday, April 3rd
- Saturday, April 4th
- Sunday, April 5th, Holy Cross Tour
- Sunday, April 5th, Turtle Cove Excursion

Name \_\_\_\_\_

State & Bar # \_\_\_\_\_

Firm / Organization \_\_\_\_\_

Address \_\_\_\_\_

City / State / Zip \_\_\_\_\_

Tel. \_\_\_\_\_ Fax \_\_\_\_\_

E-mail \_\_\_\_\_

**To register by FAX: (504) 866-1583 with Visa or MasterCard only:**

MasterCard  Visa Card # \_\_\_\_\_ Exp. Date \_\_\_\_\_

## F. Gerald Maples

### F. Gerald Maples, P.A., Global Emissions Offset, U.S. & Footnote 18

A native of George County, Mississippi, F. Gerald Maples is a founding member of Maples and Lomax, P.A. in Pascagoula, Mississippi and the founder of F. Gerald Maples, P.A. which opened offices in New Orleans, Louisiana in 1992. Mr. Maples has over thirty years of courtroom experience, having represented thousands of clients in litigation ranging from asbestos injury claims to toxic tort claims. More recently, Mr. Maples has expanded his practice to include such endeavors as Tommaseo et al. versus The United States of America, No. 05-1119-SGB, a Fifth Amendment takings claim against the United States Army Corps of Engineers, currently pending in the United States Court of Federal Claims and Comer et al. v. Murphy Oil USA et al., No. 07-60756, a putative class action on behalf of Mississippi property owners against the nation's largest greenhouse gas producers, currently pending before the United States Court of Appeals for the Fifth Circuit. Mr. Maples is licensed to practice law in Louisiana, Mississippi, Alabama and Florida. Mr. Maples has also been admitted to a number of federal courts, including the United States Court of Federal Claims and the United States Court of Appeals for the Fifth Circuit.

## Stephen M. Wiles

Stephen Wiles, in addition to his commitment to environmental causes championed by the Tulane Environmental Law Clinic and his continued support of and participation in the annual Spring Conference, devotes a substantial portion of his practice to the prosecution of environmental cases via takings theories, novel tort law applications, and the mentoring of law students and young lawyers who are similarly committed to improving the future of our planet. To finance these endeavors, Mr. Wiles maintains an active practice in the fields of commercial litigation, admiralty disputes, white collar cases, business torts, hurricane related insurance litigation and similar consumer protection matters.



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