

Legal, Ethical, and Policy Implications of a Changing Climate

12th Annual Law & Society Symposium

February 7, 2020
Charleston, South Carolina

Presented by
Charleston Law Review
and
The Riley Institute[®] at Furman



Symposium Agenda

Friday, February 7, 2020 | Charleston Music Hall, 37 John Street

- 8 a.m. **Registration**
CLE Course No. 202350
- 8:30 a.m. **Welcome and Introduction**
Andrew Abrams
Dean and Provost, Charleston School of Law
- Donald Gordon, Ph.D.
Executive Director, The Riley Institute at Furman
- Timothy Nicolette
Symposium Editor Vol. XIV, Charleston Law Review
- 8:45 a.m. **Keynote Address**
The Honorable Paul C. Ney Jr.
General Counsel, Department of Defense
- 9:30 a.m. **Offshore Drilling: Can Judicial Influence Effect Change?**
Moderator:
Hal Robinson
*Professor of Law, Charleston School of Law, and
Director of Legal Affairs and Staff Attorney,
Georgia-Alabama Land Trust, Inc.*
- Panelists:
- Keith Hall
*Campanile Charities Professor of Energy Law and Director of
the Mineral Law Institute, LSU Paul M. Hebert Law Center*
- Patrick Parenteau
*Professor of Law and Senior Counsel, Environmental and
Natural Resources Law Clinic, Vermont Law School*
- Catherine Wannamaker
Senior Attorney, Southern Environmental Law Center
- 10:30 a.m. **Break**

Symposium Agenda

10:45 a.m. **Sea Level Rise: Preparing for a New Reality**

Moderator:

Allyson Haynes Stuart

*Co-Director of Academic Success and Professor of Law,
Charleston School of Law*

Panelists:

Astrid Caldas, Ph.D.

Senior Climate Scientist, Union of Concerned Scientists

Harry Kelso

*Deputy General Counsel for Environment,
Energy & Installations, Department of Defense*

Tom Mullikin

Professor of Environmental Law, Charleston School of Law

11:45 a.m. **Break**

12 p.m. **Water Quality: Merging Policy and Pragmatism**

Moderator:

Miller Shealy

Professor of Law, Charleston School of Law

Panelists:

Amy Armstrong

*Executive Director and General Counsel, South Carolina
Environmental Law Project*

Karen Colmie

*Associate General Counsel for Environment,
Energy & Installations, Department of Defense*

Robert Glicksman

*J.B. and Maurice C. Shapiro Professor of Environmental Law,
The George Washington University Law School*

1 p.m. **Closing**

Timothy Nicolette

Keynote Speaker



The Honorable Paul C. Ney Jr. is general counsel for the Department of Defense. Ney was appointed by the President with the advice and consent of the Senate and serves as the chief legal officer of the Department and the legal adviser to the secretary of defense. He previously served as acting general counsel and principal deputy general counsel of the Department of the Navy and as chief deputy attorney general of Tennessee.

Prior to his appointment as general counsel, Ney practiced law and was a partner in two law firms: first with Trauger Ney & Tuke and then later with Patterson Intellectual Property Law, P.C. Ney is well-versed in the law, having focused on a broad number of subjects such as civil litigation, administrative law, arbitration, mediation, and intellectual property. He received the Department of Defense Distinguished Public Service medal and the Department of the Navy Distinguished Public Service Award.

Ney earned his B.S. in biology and society from Cornell University and his J.D. and M.B.A. from Vanderbilt University.

Panelists & Moderators

Amy Armstrong is the executive director and general counsel for the South Carolina Environmental Law Project (SCELP). She is also a Liberty Fellow and serves as a municipal court judge for the City of Georgetown. Prior to holding her current position, she was staff attorney at SCELP for over eight years. Before attending law school, she worked with the South Carolina Department of Natural Resources where she managed a population of federally endangered red-cockaded woodpeckers. Armstrong holds a B.S. in biology from the University of Michigan, a M.S. in earth and environmental resources management from the University of South Carolina, and a J.D. from the University of South Carolina School of Law.

Astrid Caldas is a senior climate scientist with the Climate & Energy program at the Union of Concerned Scientists (UCS). Her research focuses on climate change adaptation with practical policy implications for ecosystems, the economy, and society. She also works on policy related to climate change, natural resources management, conservation planning, socio-environmental synthesis, and climate communication.

Before joining UCS, Caldas was a science and technology policy fellow at the American Association for the Advancement of Science, a climate change and wildlife science fellow at the nonprofit conservation group Defenders of Wildlife, and a research scientist at the University of Maryland. Caldas has advised or consulted on projects with organizations including the Smithsonian Institution and the National Socio-Environmental Synthesis Center.

Caldas holds a Ph.D. in ecology from the Universidade Estadual de Campinas in São Paulo, Brazil. In addition to a M.S. in entomology from the Universidade Federal do Paraná, Brazil, she earned an M.S. in environmental management from the University of Maryland University College.

Panelists & Moderators

Karen Colmie is the associate general counsel for the Department of Defense. She has 30 years of environmental law experience, and she has focused throughout this period on cleanup, hazardous waste compliance, and related litigation. In addition, Colmie's current portfolio includes providing legal advice on several environmental laws such as the Clean Water Act and Toxic Substances Control Act and advising Department of Defense on military munition and chemical demilitarization issues. Prior to working for the Office of the Secretary of Defense, Colmie worked at the Army Environmental Center and the Dow Chemical Company. Ms. Colmie also worked for the Senate Environment and Public Works Committee during a one-year Army fellowship.

Colmie received her J.D. from William and Mary, and her LL.M. in environmental law from George Washington University.

Robert Glicksman is the J.B. and Maurice C. Shapiro Professor of Environmental Law at The George Washington University Law School. Glicksman is a nationally and internationally recognized expert on environmental, natural resources, and administrative law issues. He has consulted on various environmental and natural resources law issues, including work for the Secretariat of the Commission for Environmental Cooperation in Montreal, Canada. Glicksman has extensive publications in his areas of expertise, including two casebooks, a four-volume treatise, monographs, numerous book chapters, and articles in over a dozen law reviews and journals. His works explore an assortment of environmental, natural resources, and administrative law topics, concentrating recently on topics such as alternative ways to allocate regulatory authority, climate change, federalism issues in environmental law, the challenges facing the federal land management agencies, and environmental enforcement.

Glicksman holds a B.A. from Union College, an M.A. from Harvard University, and a J.D. from Cornell Law School.

Panelists & Moderators

Keith Hall is director of the Mineral Law Institute and the Campanile Charities Professor of Energy Law. He is co-author of one of the two national casebooks on oil and gas law and is co-author of a book on the legal issues relating to hydraulic fracturing. Before joining the Louisiana State University Law Center, he was a member of the firm Stone Pigman Walther Wittmann in New Orleans, where he practiced law for 16 years, with a focus on oil and gas litigation and transactions, environmental law, and toxic tort litigation.

Hall is a member of the Board of Editors for the Oil & Gas Reporter, the Board of Trustees for the Rocky Mountain Mineral Law Foundation, the Advisory Council for the Institute for Energy Law, and the Board of Trustees for the Energy & Mineral Law Foundation. He is former chair of the Louisiana State Bar Association's Environmental Law Section and former chair of the Oil & Gas Committee of the American Bar Association Section of Environment, Energy and Resources.

Hall holds a B.S. in chemical engineering from Louisiana State University and a J.D. from Loyola University School of Law

Harry Kelso is Department of Defense deputy general counsel for Environment, Energy and Installations where he advises all military departments on these matters. Prior to being appointed to the Department of Defense, Kelso served as chairman and chief executive officer of Base Closure Partners, LLC, director of environmental enforcement for the Commonwealth of Virginia, counsel to the assistant U.S. attorney general for the Justice Department's Environmental and Natural Resources Division and as a trial attorney in the same division. He also taught a legal ethics course for the State Bar of Texas alongside Supreme Court Justice Antonin Scalia.

Kelso earned his B.A. from Emory University and his M.A. in counseling psychology at the Texas Women's University. He then went on to earn his J.D. at South Texas College of Law and a double LL.M. from Georgetown University Law Center. Kelso has been cited in journalistic and law review publications which showcase his expertise in military environmental issues and base closure matters. He was awarded the bronze star by the adjutant general of the Virginia National Guard for successfully negotiating the operational transfer of Ft. Pickett, Virginia, from the U.S. Army to the Virginia National Guard during his time served for the Commonwealth of Virginia.

Panelists & Moderators

Tom Mullikin, having led environmental expeditions to every continent, possesses a unique blend of first-hand experience, critical legal analysis, and community and stakeholder involvement. Mullikin has studied water-related concerns in certified scuba dives in all oceans on earth and climbed to the summit of the highest mountains on four continents. Among the many distinguished positions previously held by Mullikin, he served as chief counsel and vice president for public affairs at one of the largest environmental services companies in the world and as an advisor and campaign manager to senior members of Congress and U.S. presidential candidates.

Mullikin was selected by Governor McMaster to be chairman of the South Carolina Floodwater Commission to identify a comprehensive solution and better facilitate a coordinated and collaborative mitigation effort in response to frequent flooding. He currently serves as research professor at Coastal Carolina University and the Charleston School of Law. He has been published in dozens of legal and mainstream periodicals, produced award-winning books and documentaries, and has appeared on numerous broadcast networks. Mullikin holds a bachelor's degree from University of South Carolina and a J.D. from the University of South Carolina School of Law.

Patrick Parenteau is professor of law and senior counsel in the Environmental and Natural Resources Law Clinic (ENRLC) at Vermont Law School. Parenteau is the former director of ENRLC and is recognized for his expertise and involvement in drafting, litigating, implementing, teaching, and writing about environmental law and policy for over three decades. His previous positions include vice president for conservation with the National Wildlife Federation in Washington, DC, regional counsel to the New England regional office of the Environmental Protection Agency in Boston, commissioner of the Vermont Department of Environmental Conservation and senior counsel with the Perkins Coie law firm in Portland, Oregon. Parenteau holds a B.S. from Regis University, a J.D. from Creighton University, and an LL.M. in environmental law from The George Washington University.

Panelists & Moderators

Hal Robinson is professor of law at the Charleston School of Law and serves as director of legal affairs and staff attorney for the Georgia-Alabama Land Trust, Inc. Robinson develops and implements procedures and controls to ensure compliance with applicable statutory, regulatory, and other legal requirements as well as good business practices. He earned his undergraduate degree from the University of Georgia's Terry College of Business. Robinson then earned his J.D., summa cum laude, from the Charleston School of Law and his LL.M. in environmental law and energy policy, summa cum laude, from the Vermont Law School. He is also a former judicial law clerk at the South Carolina Court of Appeals.

Miller Shealy, Jr. is professor of criminal law, criminal procedure, and evidence at the Charleston School of Law and a practicing attorney. Prior to joining the faculty ranks, Shealy was an assistant solicitor for South Carolina's Fifth Circuit and later served as an assistant state attorney general and assistant United States attorney. He has argued over 200 cases before state and federal appellate courts and also briefed and argued *Yates v. Evatt* before the U.S. Supreme Court. Notably, Shealy was local counsel for the Department of Defense and the Department of Justice in the investigation and prosecution of suspected terrorists Ali Saleh Kahlal al-Marri and Jose Padilla. He also represented the family of George Stinney, whose conviction was vacated in 2014. Shealy is a commentator and legal expert for both local and national media. He received his B.A. from the University of South Carolina and his J.D. from the University of South Carolina School of Law.

Allyson Haynes Stuart, professor of law at the Charleston School of Law and of counsel with Crystal & Giannoni-Crystal, LLC, is a scholar and practicing attorney focusing on privacy, data security, and e-discovery issues. She is a frequent speaker and writer on these topics and blogs for technethics.com. Stuart teaches information privacy law, internet law, contracts, civil procedure, e-discovery and evidence. She has taught as an adjunct at Brooklyn Law School, the Instituto de Empresa in Madrid, Spain, Stetson University in Granada, Spain, and Suffolk University in Madrid, Spain. She served as law clerk for U.S. District Court Judge David C. Norton before practicing as an associate with Cleary, Gottlieb, Steen & Hamilton and then as in-house counsel for Sony Corporation of America in New York City. She returned to Charleston in 2004 to become a founding faculty member at the Charleston School of Law. Stuart graduated from Duke University and from

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the University of South Carolina School of Law, magna cum laude.

Catherine Wannamaker is senior attorney with the Southern Environmental Law Center (SELC). SELC uses the power of the law and works at the national, regional, state, and local levels to champion the environment of the southeast. Wannamaker is directly involved in litigation centered on conserving wetlands, preventing offshore drilling, and strengthening water quality regulations. Prior to her current position, she served as an attorney for the U.S. Department of Justice for the Environment and Natural Resources Division. Wannamaker holds a B.A. in biology from Hollins University, an M.S. in zoology from North Carolina State, and a J.D. from Stanford University Law School.

Presenters

Charleston Law Review is a general interest publication committed to the finest scholarship and research across a broad range of topics in the law. Its primary objective is to foster the knowledge and insight of students, practitioners, scholars and the judiciary through a traditional forum dedicated to augmenting the pursuit of innovative legal expression, composition and scholarship. Members of the Law Review contribute to this objective by editing articles, writing notes and actively participating in all aspects of the publication process.

The Charleston Law Review is an independent organization composed entirely of second and third year students at the Charleston School of Law. In order to gain membership on the Charleston Law Review, students must compete in a writing competition that begins after spring semester finals have concluded. After completion of the writing competition, offers for membership are made to students based on a combination of grades and the scored writing piece. By participating in the publication process, members of the Charleston Law Review receive invaluable analytical skills and extensive legal writing and editing experience.

Furman University's Riley Institute broadens student and community perspectives about issues critical to South Carolina's progress. It builds and engages present and future leaders, creates and shares data-supported information about the state's core challenges, and links the leadership body to sustainable solutions.

Launched in 1999, the Institute is named for former South Carolina Governor and former United States Secretary of Education Richard W. (Dick) Riley. It is committed to nonpartisanship in all it does and to a rhetoric-free, facts-based approach to change.

For more information, visit riley.furman.edu.

Special thanks to the Charleston School of Law Foundation for their generous support of this symposium. The Foundation champions student scholars and faculty endeavors to bolster the undergirding tenets of the mission of the Charleston School of Law: To train attorneys for the good of the people.

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