

SAM KALEN

CURRICULUM VITAE

1463 North 27th Street
Laramie, WY 82072

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Academic Employment

Professor, University of Wyoming College of Law, 2014 - Present
Winston S. Howard Distinguished Professor (2014-2017)
Co-Director, Center for Law & Energy Resources in the Rockies

2013 Third Annual University of Wyoming College of Law
Extraordinary Merit Award

Courses: Environmental Law, Energy & Climate, Renewable
Energy Resources, Federal Energy Law, Regulation of Fossil
Fuel Development, American Legal History, Federal Indian
Law, Environmental Law & Policy, Natural Resources Law
Practicum, Public Lands & Natural Resources, Environmental
Aspects of Business Transactions, Administrative Law, and
Legislation

Associate Professor, University of Wyoming College of Law, 2011-
2014

Assistant Professor, University of Wyoming College of Law, 2009-
2011

Adjunct Professor, Seattle University School of Law, Study Law in
Alaska Program, Summer 2011, Summer 2012, Summer
2013, Summer 2014, Summer 2016

Courses: Alaska & Climate Change, Alaska & Energy

Visiting Assistant Professor, Penn State University (Dickinson)
School of Law, State College, PA, Spring 2009

Courses: Energy & Climate, Administrative Law

Visiting Assistant Professor, Florida State University College
of Law, Tallahassee, FL, August 2007-May 2008

Courses: Constitutional Law, Civil Procedure, Land Use,
Energy & Climate

Adjunct Professor, Washington & Lee University School of Law, Fall
2008

Course: Environmental Law

Adjunct Professor, University of Baltimore School of Law, 1995-2000

Courses: Environmental Law

Employment

1984-1986, Clerk, Hon. Warren D. Welliver, Missouri Supreme Court

1986-1994, Attorney, Van Ness Feldman, Washington, D.C.

1994-1996, Special Assistant, Office of the Solicitor, Department of the Interior

1996-2009, Of Counsel and then Member, Van Ness Feldman, Washington, D.C.

Education

Washington University School of Law, St. Louis, MO, J.D. 1984

Clark University, Worcester, Mass., B.A. 1980

University of Virginia, Charlottesville, VA, 1981-82, studied American Legal History and American Intellectual History (PhD Program)

Publications

Sam Kalen, *Historical Flow of Hydroelectric Regulation: A Brief History*, 53 IDAHO L. REV. 1 (2017)

Sam Kalen, *Policing Federal Supremacy: Preemption and Common Law Damage Claims as a Ceiling to the Clean Air Act Regulatory Floor*, 68 FLA. L. REV. 1597 (2016)

Sam Kalen, *Muddling Through Modern Energy Policy: The Dormant Commerce Clause and Unmasking the Illusion of an Attleboro Line*, 24 N.Y. U. ENVTL. L. J. 283 (2016)

Sam Kalen, *Marbury v. Madison*, Max Planck Encyclopedia of Comparative Constitutional Law (MPECCoL), No. 557 (2016)

Sam Kalen, *An Essay: An Aspirational Right to a Healthy Environment?*, 34 UCLA J. OF ENVTL. L. 156 (2016)

Sam Kalen, *Death of Administrative Common Law, Or the Rise of the Administrative Procedure Act*, 68 RUTGERS L. REV. 605 (2016)

Sam Kalen, *Embedded Choices: A Resilient Energy Legal Architecture*, 52 IDAHO L. REV. 387 (2016)

Sam Kalen, *Dormant Commerce Clause's Aging Burden*, 49 VAL. U. L. REV. 723 (2015)

Sam Kalen, *Landscape Shifting Paradigm for the Endangered Species Act: An Integrated Critical Habitat Recovery Program*, 55 NAT. RES. J. 47 (2014)

Sam Kalen, *Book Review* of "Nature's Trust: Environmental Law for a New Ecological Age," LAW & POLITICS BOOK REVIEW (American Political Science Ass'n) (2014)

Sam Kalen, *Book Review* of "The U.S. Supreme Court and New Federalism: From the Rehnquist Court to the Roberts Court," PERSPECTIVES ON POLITICS (American Political Science Ass'n) (2014)

Sam Kalen, *Coal's Plateau and Energy Horizon*, 34 PUB. LAND & RES. L. REV. 145 (2013)

Sam Kalen, *Dormancy Versus Innovation: A Next Generation Dormant Commerce Clause*, 65 OKL. L. REV. 381 (2013) (Lead Article)

Sam Kalen, *Expanding the Federal Common Law?: From Nomos & Physis and Beyond*, 96 MARQ. L. REV. 517 (2012)

Sam Kalen, *Thirst for Oil and the Keystone XL Pipeline: Where's The National Energy Policy?*, 46 CREIGHTON L. REV. 1 (2012) (Lead Article)

Sam Kalen, *Cruise Control & Speed Bumps What About Speed Limits for Outer Continental Shelf Leasing As Part of Our Energy Policy?*, 7 ENVT. & ENERGY LAW & POL'Y J. 155 (2012)

Sam Kalen, *Guidance Documents and the Courts*, 57 ROCKY MOUNTAIN MINERAL LAW INSTITUTE 5-1 (2012)

Sam Kalen, *Federal Administrative Procedure Act Claims: The Tenth Circuit and the Wyoming District Court Should Fix the Confusion Attendant with Local Rule 83.7.2*, 11 U. WYO. L. REV. 513 (2011)

Sam Kalen, *Agriculture, Food & Environmental Policy*, 26 NAT. RESOURCES & ENVIRONMENT 3 (2011) (Lead Article)

Sam Kalen, *Ecology Comes of Age: NEPA's Lost Mandate*, 21 DUKE ENVTL. LAW & POL'Y FORUM 113 (2010)

Sam Kalen, Ryan M. Seidemann, James G. Wilkins, Megan K. Terrell, *Lingering Relevance of the Coastal Zone Management Act to Energy Development in Our Nation's Coastal Waters?*, 24 TUL. ENVTL. L. J. 73 (2010)

Sam Kalen, *The British Petroleum Macondo Well Exploration Plan: Wither the Coastal Zone Management Act?*, 40 ENVTL. L. REP. 1079 (Nov. 2010)

Sam Kalen, *The Devolution of NEPA: How the APA Transformed the Nation's Environmental Policy*, 33 WM. & MARY ENVTL. LAW & POL'Y REV. 483 (2009)

Sam Kalen, *The Transformation of Modern Administrative Law: Changing Administrations and Environmental Guidance Documents*, 35 ECOLOGY L. Q. 657 (2008)

Sam Kalen, *The APA's Influence on the Development of the National Environmental Policy Act*, 23 NAT. RESOURCES & ENVIRONMENT 3 (Spring 2009)

Sam Kalen, *Changing Administrations and Environmental Guidance Documents*, 23 NAT. RESOURCES & ENVIRONMENT 13 (Fall 2008)

Sam Kalen, *Is "Significant Nexus" Really Significant? Justice Kennedy's Concurrence in Rapanos*, NAT. RESOURCES & ENVIRONMENT 9 (Summer 2007)

Sam Kalen, *The Coastal Zone Management Act of Today: Does Sustainability Have a Chance?*, 15 SOUTHEASTERN ENVTL. L. J. 191 (2006)

Sam Kalen, *Replacing a National Energy Policy with a National Resource Policy*, NAT. RESOURCES & ENVIRONMENT 9 (Winter 2005)

Sam Kalen, *An 1872 Mining Law for the New Millennium*, 71 U. COLO. L. REV. 343 (2000)

Sam Kalen, *Standing on its Last Legs: Bennett v. Spear and the Past and Future of Standing in Environmental Cases*, 13 J. LAND USE & ENV'T'L L. 1 (1997) (Lead Article)

Sam Kalen, *Where Do We Go From Here?: The Federal Coal Leasing Amendments Act – Past, Present, and Future*, 98 W. VA. L. REV. 1023 (1996)

Sam Kalen, *Commerce to Conservation: The Call for a National Water Policy and the Evolution of Federal Jurisdiction Over Wetlands*, 69 N.D. L. REV. 873 (1993) (Cited and Quoted in Supreme Court Opinion)

Sam Kalen, *Reawakening the Dormant Commerce Clause in its First Century*, 13 U. DAYTON L. REV. 417 (1988)

Sam Kalen, *Comment, Durational Residency Requirements and the Equal Protection Clause: Zobel v. Williams*, 25 WASH. U. J. URB. & CONTEMP. LAW 329 (1983)

Paul Turner & Sam Kalen, *Takings and Beyond: Implications for Regulation*, 19 ENERGY L. REV. 25 (1998)

Other Publications

ENERGY FOLLIES (Contract with Cambridge University Press) (in progress, forthcoming 2018)

Co-Author to JAMES RASBAND, JAMES SALZMAN, MARK SQUILLACE, NATURAL RESOURCES LAW AND POLICY (Foundation Press, 3d Edition, 2016)

Sam Kalen, *The Deceptively Complex Concept of Final Agency Action*, Written Paper, Rocky Mountain Mineral Law Foundation Special Institute, Sept. 2016, Westminster, CO

Sam Kalen & Murray Feldman, ENDANGERED SPECIES ACT: BASIC PRACTICE SERIES (ABA 2d Edition, 2012)

Sam Kalen, *The Dormant Commerce Clause and the Environment*, in PRINCIPLES OF CONSTITUTIONAL ENVIRONMENTAL LAW (J. May Ed., ABA/ELI) (2011)

Sam Kalen & Steven Weissman, *Where Next, For National Renewable Energy Policy?*, ABA Newsletter (2011)

Sam Kalen, *Note on Sosna v. Iowa*, 419 U.S. 393 (1975), in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (2008)

Sam Kalen, *An Overview of Section 10*, reprinted in ENDANGERED SPECIES ACT: LAW, POLICY AND PERSPECTIVE (Baur & Irvin, Eds., 2002) [2010 Edition, co-author Adam Pan]

Sam Kalen & Jonathan Simon, *No Relief for Landowners: 7th Circuit Bars Recovery of Cleanup Costs Incurred After Filing RCRA Suit*, LEGAL TIMES, S32, (May 24, 1999)

Sam Kalen, *Passive Migration: A Limit to Liability*, 14 ENV'T'L COMPL. & LIT. STRATEGY 4 (1998)

Sam Kalen & Jonathan Simon, *No-Standing Zone Deters Citizen Suits*, NAT. L. J. (DEC. 1998)

Sam Kalen, *The Endangered Species Act: Unlawful Takings and an Incidental Take Permit*, reprinted in VOL. 1 WATERPOWER '93, at 420 (1993)

Selected Presentations

The Deceptively Complex Concept of Final Agency Action, Rocky Mountain Mineral Law Institute, Special Institute, Westminster, CO (Sept. 2016)

Workshop, *Policing Federal Supremacy*, DU Law School (March 2016)

Energy Policy, Legal Institutions, and Technology: A Dysfunctional Triad, Emerging Issues at the Intersection of Energy and Natural Resources Symposia, LSU Law Center (March 2016)

Post-Paris Carbon Policy Forum, University of Wyoming (Feb. 2016)

Embedded Choices, Energy in the West Symposium, University of Idaho (Nov. 2015)

Energy Planning, 2014 J.B. and Maurice C. Shapiro Environmental Law Symposium: The Role of Planning in Federal Land Management, GWU Law School (March 2014)

Landscape Shifting Paradigm: Critical Habitat & the Endangered Species Act, 2013 Annual Env'tl. Law Colloquium, Vermont Law School (Oct. 2013)

Coal's Energy Horizon, ABA Public Land Law Symposium and The Public Land & Resources Law Review, University of Montana School of Law (April 2013)

Coal Exports, Environmental Section of the Washington State Bar Ass'n, Washington State (Spring 2013)

The Future of Coal, Wyoming Continuing Legal Education Program, Laramie, WY (Oct. 2012)

Moderator, Fracking Panel Discussion, U. Wyoming College of Law, Laramie, WY (Oct. 2012)

Food on the Environmentalist Plate, Lecture Series, Animal Sciences & Molecular Biology, U. Wyoming, Laramie, WY (Oct. 2012)

American Energy Independence: An 'All of the Above' Strategy for Our Energy Policy: Oil and OCS Leasing, Annual EEPLJ Symposium on Energy and Environmental Law, University of Houston Law School, Houston, TX (March 2012)

Agency Guidance Documents, Rocky Mountain Mineral Law Institute, Annual Conference, Santa Fe, NM (July 2011)

Food, The Environment & the Law School, Law, Culture & Humanities, Annual Conference, Las Vegas, NV (March 2011)

Moderator, 9th Annual Conference for Water & Energy in Wyoming, Cheyenne, WY (April 2011)

The National Environmental Policy Act, The National Environmental Policy Act 40th Anniversary Celebration, U.S. Capitol Visitor Center, The Environmental Law Institute, Partnership Project, Washington, DC (Sept. 2010)

The Dormant Commerce Clause in the Modern Era of Environmental Law, Southeastern Association of Law Schools, Palm Beach, FL (July 2010)

Legal Developments in the Regulation and Promotion of Carbon, Capture and Sequestration, 8th Annual Conference for Water & Energy in Wyoming, Cheyenne, WY (April 2010)

Climate Change and Energy Options for the Future, Presentation to the Tallahassee Community Group, Tallahassee, FL (Jan. 2008)

Coastal Zone Management to Today, Panelist, Symposium: *Bridging the Divide: Public and Private Interests in Coastal Marshes and Marsh Islands*, University of South Carolina School of Law, Columbia, SC (Sept. 2006)

Committees & Other Activities

Chair, Faculty Curriculum Committee (2017); Chair, Environment, Energy & Resources Committee (2016-2018); Faculty Hiring Committee for Haub School of Environment & Natural Resources (Spring 2015); Athletics Planning Committee (2014-2018); Dean Search Committee (Fall 2014 & Spring 2015); Law School Hiring Committee (2011 - 2017); Curriculum (2009-2010); Faculty Hiring Committee for the Ruckelshaus Institute for Collaborative Solutions Junior Faculty (2010)

Member, National Research Council Committee on Energy Resource Potential on DOE Lands (2015)

Invited Witness (House Minority Staff), Testimony, U.S. Congress, Summer 2015, on proposed Critical Materials legislation

Invited Participant, U.S. Government Accountability Office, Critical Materials Supply Survey (2015)

Bar Associations

Vice-Chair, Book Publications Board, for the American Bar Association, Section on Energy, Environment & Resources

Past Chair: Book Publications Committee, and the Public Lands Committee, for the American Bar Association, Section on Energy, Environment & Resources

Past Vice-Chair: Strategic Planning Committee, and the Endangered Species Act Committee, for the American Bar Association, Section on Energy, Environment & Resources

Member: D.C. Bar Association; Illinois State Bar Association