

DUKE ENVIRONMENTAL LAW

Duke receives \$70 million gift to build and connect environmental programs

Interconnectedness—the hallmark of environmental systems—is Duke’s strength, manifest throughout its approach to interdisciplinary research, joint degrees, and student access to the full range of curricular opportunities across the entire university. Nowhere is this more evident than with respect to environmental law and policy, where interactions among faculty and students from law, business, public policy, environmental sciences and medicine already have a solid foundation.

Now, a major gift to “extend the reach and impact” of Duke’s Nicholas School of the Environment and Earth Sciences will dramatically increase the opportunities for interdisciplinary learning and research. The January 2004 gift of \$72 million from Pete and Ginny Nicholas is the largest gift in the history of Duke University. The Dean of the Nicholas School, William Schlesinger, says he was “delighted at the wonderful news” that \$70 million of the gift is dedicated to making the School a national and international leader in environmental research and policy development.

This remarkable gift will be targeted at three main initiatives, all of which will substantially strengthen Duke Law School’s environmental program as well. First, the gift will support **creation of Nicholas Hall**, a new state-of-the-art green building to house the Nicholas School and related programs. The gift will lead to a “long-sought unification of environmental programs on the campus,” says Dean Schlesinger, and strengthen Duke’s leadership at the forefront of studies involving the environment and related areas of public policy. Specific locations for Nicholas Hall are currently under study, with prime options just steps from the Law School and the Sanford Institute of Public Policy. This location will make it even easier for students and faculty from each unit to take

and teach courses in the other units and, more fundamentally, for all to enjoy the exciting exchange of ideas that invigorates education and gives life to creative new solutions to environmental problems.

Second, underlining the critical importance of interdisciplinary scholarship in environmental protection, part of the gift will be used to **endow a series of joint faculty appointments in the Nicholas School and other university departments and schools**. These new faculty positions will enable Duke to recruit star colleagues to the campus. In the first of these new hires, Duke Law School paired with the Nicholas School to bring Jim Salzman to teach environmental law and policy and to continue his research on ecosystem services. “There’s a pressing need to raise the level of environmental debate and policy-making in our country and around the world, and the Nicholas School now has an unprecedented opportunity to bring together a unique constellation of resources to identify and tackle the problems we face,” says Dean Schlesinger.

Third, the Nicholas gift will **create the unprecedented Nicholas Institute for Environmental Policy Solutions**, to fulfill the national and international need for the best science and policy research to shape the development of effective environmental policies. Offering significantly more funding than any environmental institute at any university in the world, the new Nicholas gift ensures that the Nicholas Institute at Duke can truly be the best source in the world of thinking on environmental problems, and the best place to research and study these issues.

“Environmental problems are complex, and require cross-cutting ideas,” says Professor Jonathan Wiener, who is chairing the search committee for the director of the Institute. “The Nicholas Institute will build on Duke’s historic strength in

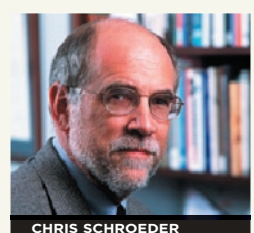


PETE AND GINNY NICHOLAS

multidisciplinary collaborations to develop creative solutions to the most important environmental problems.”

The Institute will bring the very best minds to Duke as students, full faculty, visiting faculty, fellows, and consultants, convened in teams to study major problems. Its offices will be located in Nicholas Hall, from which the Institute will engage faculty and students across the university. In the process, the Institute will enrich the intellectual life of the university’s already robust environmental community, and provide opportunities for students and faculty to engage in discussions, research, and initiatives on pressing environmental challenges. The Institute will share its research with the public by issuing timely reports on major environmental issues, and communicating this work to policy makers in Washington, D.C., and around the world. In addition, the Institute will invite representatives from government, nongovernmental organizations, businesses, news media, think tanks, and other universities to participate in the exciting work going on at Duke through workshops, seminars, webcasts, and visiting fellowships.

For more information, please visit <http://www.nicholas.duke.edu/nicholasgift> ♡



CHRIS SCHROEDER

Environmental research at Duke Law *Vulnerable Populations*

In early 2004, Duke was awarded a National Institute for Environmental Health Sciences five year, five million dollar grant for an Environmental Health Sciences Research Center (EHSRC) on the Comparative Biology of Vulnerable Populations. EHSRC grants are awarded to a small number of institutions with existing strengths across different disciplines to help the institutions knit those strengths into focused interdisciplinary research projects directed at important environmental health issues. The grant will be used to examine vulnerable populations, including fetuses, children, elderly, racial subgroups, economically disadvantaged, nutritionally limited, environmentally challenged, and genetically at risk populations.

This project is especially exciting for Duke Law School because Duke's is the only NIEHS-funded Center to include an Environmental Policy Research Core. Directed by Professor Chris Schroeder, the Research Core involves researchers throughout the university, including the Law School, the Sanford Institute of Public Policy, and the Nicholas School. The Research Core will promote interdisciplinary examination of environmental health policy issues raised by vulnerable populations. For example, Professors Schroeder and Marie-Lynn Miranda are collaborating on a study of children as victims of environmental injustice. And Professors Miranda and Ken Dodge have a project underway to extend Dodge's work on effective interventions to help children at risk for violence and educational difficulties, to address the risks of environmental health risk exposures. A major focus of the collaboration centers around questions of institutional design and implementation strategies to identify and work with at-risk families in an effective and trust-enabling manner.

For more information, please visit <http://www.nicholas.duke.edu/cehi>

New environmental faculty hires

With Chris Schroeder and Jonathan Wiener on the faculty, an active Environmental Law Society, and the *Duke Environmental Law and Policy Forum*, Duke Law School has long enjoyed a vibrant environmental law program. Joining Schroeder and Wiener in the environmental law curriculum are Laura Underkuffler on land use law, Doug Wheeler on endangered species, Francesca Bignami on administrative law, Steve Roady on coastal law and environmental litigation, Mary Anne Sullivan on energy law, Francis McGovern on products liability, and Bill Reppy on animal law. As part of its strategic plan, Duke Law School is building on its current strengths and further enriching its environmental programs. The most recent fruits of this investment came this summer, with the hiring of Professors Jim Salzman and Jed Purdy.

"We are thrilled to welcome Jim and Jed to Duke Law School," said Dean Katharine Bartlett. "They significantly enhance our commitment to interdisciplinary teaching and scholarship."

Jim Salzman



Prior to joining the Duke Law faculty, Professor Jim Salzman was the Emalee C. Godsey Scholar at the Washington College of

Law at American University. He has also taught as a visiting professor at Yale, Harvard, and Stanford Universities, Macquarie University in Sydney, Australia (as a Fulbright Senior Scholar), and Lund University in Lund, Sweden. Co-author of the most widely adopted casebook on international environmental law, Professor Salzman has written three other books and over two dozen articles. Three of his articles have been selected by environmental law professors as among the year's best in the annual *Land Use and Environmental Law Review*.

An honors graduate of Yale College and Harvard Law School, Salzman also earned a master's degree in engineering sciences from Harvard. He has served as a principal liaison for the Trade and Environment Policy Advisory Committee since 1996, providing counsel to the EPA

Co-author of the most widely adopted casebook on international environmental law, three of Salzman's articles have been selected by environmental law professors as among the year's best in the annual *Land Use and Environmental Law Review*

and USTR on trade and environment issues. He has also worked for the OECD in Paris and as the European Environmental Manager for Johnson Wax. Salzman's most recent publications have ranged from creating markets for ecosystem services and managing regulatory accretion to environmental tribalism and a casebook on natural resources law and policy.

Jedediah Purdy



Professor Jedediah Purdy graduated from Harvard College, *summa cum laude*, with an A.B. in Social Studies, and received

his J.D. degree from Yale Law School in 2001. Before joining the Duke Law faculty, Professor Purdy clerked for the Honorable Pierre N. Leval, United States Court of Appeals for the Second Circuit, in New York City, and was a fellow at the Berkman Center for Internet and Society at Harvard Law School and the New America Foundation in Washington, D.C.

While at Yale, Professor Purdy led seminars on environmental politics and culture at the Yale School of Forestry and Environmental Studies and the Century



Purdy's legal research is focusing on the relationship between property regimes and political and social values.

Institute Summer Program at Williams College. He is the author of two books and editor of a third, and has written on environmental issues for *The American Prospect*, where he is a contributing editor. Purdy's legal research is focusing on the relationship between property regimes and political and social values. He is particularly interested in the ways that property rights promote certain forms of freedom, and in the prospect of using property systems to promote environmental conservation.

Duke University's environmental policy offerings were also strengthened by two new appointments:



Lori Snyder Benneer has been appointed Assistant Professor of Environmental Economics and Policy at the Nicholas

School's Environmental Sciences and Policy Division. She recently earned a PhD in Public Policy from Harvard University. Professor Benneer's areas of specialization include environmental and natural resource economics, applied microeconomics, and empirical methods. Her research focuses on estimating the effect of different regulatory innovations on measures of facility-level environmental performance, such as pollution levels, chemical use, and technology choice.

Professor Christopher Timmins has joined Duke's Economics Department after seven years on the faculty at Yale University. With a focus on environmental and development economics, his research has been supported by Resources for the Future, the World Bank, the National Science Foundation, and the Inter-American Development Bank. ♡



JONATHAN WIENER

Center for Environmental Solutions directs U.S.-EU project on *The Reality of Precaution*

What does the "precautionary principle" mean in practice? Why are precautionary regulations adopted, and what do they really achieve? Are claims that Europe has become "more precautionary" than the United States really true? Over the last two years, in partnership with the European Commission (the executive branch of the European Union), the Duke Center for Environmental Solutions (CES) has been getting to the bottom of these questions. "This transatlantic collaboration has been a terrific opportunity to study the design and impact of risk regulation, while building bridges with our European colleagues," says Duke Law Professor Jonathan Wiener, who directs the CES and has co-organized the project. "We have been studying how regulatory systems can and do learn from each other—and advancing that very learning process at the same time."

In 1992, the Maastricht Treaty formally adopted the precautionary principle as

Who really is more precautionary, the United States or Europe? In partnership with the European Commission, the Duke Center for Environmental Solutions has been getting to the bottom of this question.

part of EU law. In 2000, the European Commission issued an important communication explaining its interpretation of the principle. But the precautionary principle has sparked heated debates across the Atlantic, and has been at the heart of litigation in the World Trade Organization and disagreements over treaty negotiations on biodiversity, climate change, and food safety. Recognizing this problem, the CES began its research project on the precautionary principle and its application in actual regulatory programs in the U.S. and Europe. Going beyond the often acrimonious rhetoric over the principle's merits in the abstract, and whether Europe or the U.S. is more precautionary, the "Reality of Precaution" project seeks to (1) foster mutual transatlantic understanding of the complex pattern of actual regulations applied to specific risks, (2) analyze why different societies choose different risks to worry most about, and (3) provide recommendations for when precaution makes sense in light of its full effects on overall risk.

To address these issues, Wiener and his co-organizers, including Michael Rogers of the European Commission in Brussels, James Hammitt of Harvard, and Peter Sand of the University of Munich, Germany, launched the project in 2001 with support from the U.S. Mission to the EU and the German Marshall Fund-US. The Project has since enlisted an international group of experts to analyze case studies ranging from genetically modified foods, global warming, and smoking to nuclear power, automobile emissions, biodiversity, and counter-terrorism policies, among many others. Ensuring mutual learning, the Project has convened a series of four "Transatlantic Dialogues on Precaution" with U.S. and European

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The Reality of Precaution

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participants from government agencies, universities, research institutes, nongovernmental organizations, and the private sector. The first of these dialogues took place in Bruges, Belgium, near Brussels, in January 2002. The second took place in Airlie, Virginia, near Washington, D.C., in June 2002. The third took place in Berlin, Germany in June 2003. The final dialogue took place at Duke University in September 2004. The research results will be published in a book, *The Reality of Precaution: Comparing Risk Regulation in the U.S. and Europe*. "The Dialogues and the book research have been enormously fruitful," says Wiener. "Rich with scholarly impact, they have also contributed to a more sober and mutually respectful transatlantic approach to precautionary regulation. By the fourth dialogue in 2004, we think we can see this happening, which is very gratifying." For more information, please visit http://www.env.duke.edu/solutions/precaution_project.html

Annual symposium highlights barriers to new energy sources

The Duke Environmental Law & Policy Forum (DELPH) is hosting its annual symposium on **November 19, 2004**. Entitled "Environmental Regulation, Energy & Market Entry," the Symposium will examine historic, current, and future trends in energy laws, policies, and regulations. Questions considered include: Do current environmental regulations stifle energy industry innovation or restrict output in energy markets? Does the current regulatory regime strike the right balance for the energy industry? The Symposium will feature several panels of speakers and extensive Q&A. Speakers include Suedeen Kelly, a commissioner of the Federal Energy Regulatory Commission, as well as several notable academic experts. For more information, please visit <http://www.env.duke.edu/solutions/colloquia>

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Panel to assess U.S., EU approaches to climate emissions trading

In January 2005 the EU will launch the world's largest emissions trading program, covering carbon dioxide emissions from 25 European countries, as part of its implementation of the Kyoto Protocol. The U.S. currently runs the largest emissions trading system to date – the sulfur dioxide (SO₂) emissions trading program to reduce acid rain adopted in the 1990 Clean Air Act amendments. Although the U.S. has not yet ratified the Kyoto Protocol, the leading proposal for greenhouse gas (GHG) emissions trading in America, the McCain-Lieberman Climate Stewardship Act, received a surprisingly strong and bipartisan 43 votes in the U.S. Senate in October 2003. Senators John McCain and Joseph Lieberman have promised to bring their bill back for further floor votes, just as Senator McCain did with the McCain-Feingold campaign finance reform legislation.

On November 16, 2004, Duke's Center for Environmental Solutions, Center on Global Change, and Program on Energy and the Environment will hold a pioneering symposium to compare the impending EU and U.S. GHG trading systems, titled "Can

Markets Protect the Climate? Prospects for Greenhouse Gas Emissions Trading in Europe and the U.S." Peter Zapfel, an economist in the European Commission's Environment Directorate who is a major architect of the EU system, and Timothy Profeta (Duke JD-MEM '97), the key Senate staff architect of the McCain-Lieberman bill, will present and compare their policy approaches. Joseph Goffman, a longtime lawyer at Environmental Defense who was an important designer of the 1990 SO₂ trading system (and then served in the Senate and at EPA to help implement it), will offer comments about the design and shepherding of new environmental markets. Bruce Braine, a vice president at American Electric Power (AEP) who has helped lead the nation's largest generator of electricity (and largest emitter of CO₂) in its approach to both SO₂ and GHG trading, will comment on his industry's perspective.

This symposium builds on the recent work of Duke faculty, including Jonathan Wiener's latest book on greenhouse gas emissions trading, *Reconstructing Climate Policy*; Jim Salzman's article in the *Stanford Law Review* on markets for ecosystem services; and the new energy program developed by Simon Rich and Lincoln Pratson, both of the Nicholas School.

Duke creates environmental forum in New York Times

To invite the public to engage in discussion of critical environmental issues, and in preparation for the launch of the university's new Nicholas Institute for Environmental Policy Solutions, the Nicholas School is running a special series of "advertorials" on the op-ed page of the *New York Times*. The first ad ran on August 24th, titled, "Cool Heads on Global Warming." The piece discussed the scientific forecasts of climate change and options for policy responses. It also provided a link to a global warming survey on the Nicholas School web site and offered readers a chance to comment. This is one of 12 ads that the Nicholas School will run monthly in the *Times* on crucial environmental topics. Future subjects will include mercury pollution; energy policy; genetically modified species; marine depletion; forest health and wildfire management; and other topics of broad concern. To see the ads run so far and give your feedback, visit <http://www.nicholas.duke.edu/notebook>

Cool heads on global warming

It's time to get serious about global warming. Evidence from more than 20 years of peer-reviewed studies, including research by scientists from the Nicholas School at Duke, shows we are experiencing unprecedented environmental change. We, not nature, are the most significant agents of this change. On this, there is broad scientific consensus. Left unchecked, climate change will have far-reaching impacts on our lives.

Warmer temperatures would allow tropical diseases and invasive species to spread northward, much as Dengue fever already has spread to South Texas and appears headed for Tucson.

Polar ice melt and thermal expansion will cause seas to rise one to three feet by the century's end—enough for a storm surge to flood low-lying coasts in Florida, Louisiana and other states.

Changing rainfall patterns and extreme weather events would affect agriculture, particularly in the drought-prone Great Plains, and likely drive up the price of wheat, corn and other food staples.

Global warming cannot be prevented. But many scientists believe we have a 20-year window in which we can reduce the potential damage.

What can we do?

We must get serious—now—about reducing carbon dioxide, methane, soot and other greenhouse gas emissions, especially from coal-burning utilities.

Adopting a national or international allowance trading policy, or "cap and trade" program, would be a start. Cap-and-trade has a proven record for reducing emissions at reasonable cost. The EPA's Acid Rain Trading Program achieved steeper sulfur dioxide emission reductions at a greater cost savings than any other air pollution-control program to date.

Other possible approaches include reducing government subsidies that spur emissions; creating new taxes on emissions; giving larger tax breaks for energy efficiency and conservation; and investing more in alternative energy sources and public transportation for high-density areas.

Sequestering carbon dioxide in trees also holds promise. However, studies show forests alone would, at best, soak up only a small fraction of U.S. emissions.

Scientists and policy experts at the Nicholas School and worldwide are evaluating these and other possibilities. Our expertise is most beneficial when it is shared with policymakers, industry and the public. An open ongoing dialogue is essential.

Finding solutions to global warming requires political will, common sense and uncommon science. More than anything, it requires action. It's not yet time to panic, but it is well past time for delay.

Our children and grandchildren may look back one day and say the most controversial aspect of global warming was why it took us so long to do something to curb it.



What do you think? visit us at www.nicholas.duke.edu/think



Nicholas School of the Environment and Earth Sciences at Duke University

Where we're building the Nicholas Institute for Environmental Policy Solutions to deliver the best science academia can supply.



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I hope this newsletter gives you a sense of how committed we are to building upon our strengths and the wonderful opportunity of the Nicholas gift to make Duke the country's premier academic center for environmental law and policy. This is a great time to study the environment at Duke Law School, but it bears remembering that we have a strong tradition of training lawyers who have become leaders in the field. The Law School takes pride over the key roles that alumni such as John Adams, Doug Wheeler, (both profiled in this issue), and others have played in the development of environmental law over the last 30 years.

As part of the ever-growing emphasis on the study of the environment at Duke Law School, we are creating the Duke Law Environmental Network. This network will enable Duke Law School graduates to learn about and contact fellow alumni working in the field, and will serve as a resource for current students interested in

pursuing a career in environmental law. Included here is an initial list of Duke Law alumni practicing environmental law. This is a work in progress so please let us know of anyone we might have missed.

Future newsletters will highlight both the exciting environmental developments on campus and the impressive accomplishments of Duke Law graduates. You can also stay in touch with us and stay informed about the Duke Law community through our monthly electronic newsletter, eNews, our other publications, and our website, www.law.duke.edu. Please do keep us informed of your activities and accomplishments by e-mailing Tom Hadzor, Associate Dean for Alumni and Development, at hadzor@law.duke.edu.

Sincerely,

Katharine T. Bartlett

Katharine T. Bartlett
Dean and A. Kenneth Pye Professor of Law

Duke Law Environmental Network

1951	John R. Surratt, Winston-Salem, NC	1979	Anne W. Cottingham, Washington, DC	1991	Ana Kristine Floyd, Irvine, CA
1959	Davis W. Duke, Jr., Fort Lauderdale, FL W. Macbeth Wagnon, Jr., Birmingham, AL		Gary L. Justice, Los Angeles, CA Kim Hoyt Sperduto, Washington, DC		Anne Cunningham Harper, Oakland, CA William A. Woolley, Chicago, IL
1962	John Hamilton Adams, New York, NY		Edward Patrick Swan, Jr., San Diego, CA	1992	Robert E. Kohn ESQ, Santa Monica, CA
1964	Lindsey W. Ingram, Jr., Lexington, KY		Mark August Thimke, Milwaukee, WI		Anuja G. Purohit, Raleigh, NC
1966	W. Reece Bader, Menlo Park, CA James Van Carson, Cleveland, OH William Kenneth Holmes, Grand Rapids, MI Douglas P. Wheeler, Washington, DC	1980	Stephen Q. Giblin, Cleveland, OH Clifford B. Levine, Pittsburgh, PA Elizabeth M. Weaver, Los Angeles, CA		Margaret Spring, Washington, DC Jeffrey C. Dobbins, Portland, OR John D. Renneisen, Washington, DC
1967	William K. Rogers, Santa Barbara, CA	1981	David Yuan Li, Boston, MA David Edward Nash, Cleveland, OH Thomas Richelo, Atlanta, GA	1994	Theodore Curtis M. Edwards, Raleigh, NC Richard J. Ferris, Jr., Washington, DC Rachel Gold Lattimore, Washington, DC
1968	Brian H. Bibeau, Tallahassee, FL		Richard Palmer Vornholt, Atlanta, GA	1995	Brian Dorster, Tallahassee, FL T. Edward Smith, Nashville, TN Lawrence B. Somers, Charlotte, NC
1969	James P. Davenport, Washington, DC James R. Moore, Salt Lake City, UT James J. Seeley, Bridgeton, NJ Breckenridge L. Willcox, Potomac, MD	1982	Scott D. Goetsch, Towson, MD Ronald Lee Goldstein, Huntington, NY Mark D. Shepard, Pittsburgh, PA	1996	J. Eric Berry, Atlanta, St. Louis, MO Loren Montgomery Clark, Los Angeles, CA Christopher J. Loeb sack, Charlotte, NC Robert Carroll Newcomer, Atlanta, GA
1970	Larry Lawton, San Francisco, CA	1983	David B. Chaffin, Boston, MA Garth C. Collier, Brooksville, FL T. R. Hainline, Jr., Jacksonville, FL John Clay Spinrad, Atlanta, GA Warren Lafayette Tisdale, Norfolk, VA	1997	Timothy Profeta, Washington, DC
1971	A. Gayle Jordan, Norfolk, VA		Christopher Wendel Loeb, Charlotte, NC Peter Petrou, Parsippany, NJ John Henry Sokul, Jr., Concord, NH	1998	Shawn Derek Bryant, Washington, DC Jonathan M. Cosco, Esq., Boston, MA Laura A. Ford Brust, Washington, DC Jason Daniel Miner, Portland, OH Bryan John Ng, Newark, NJ Robert John Phocas, Charlotte, NC Kerri J. Stroupe, Denver, CO
1972	William V. Hughes, Muncie, IN Anthony E. Satula, Jr., New York, NY Kenneth P. Woodington, Columbia, SC	1984	Lt. Col. Kenneth Gerard Mattern, Westborough, MA Paul David Meade, Hartford, CT Eric John Murdock, Washington, DC Nathan E. Nason, W. Palm Beach, FL	1999	Lisa C. Glover, Raleigh, NC Nicole L. Leonard, San Francisco, CA Kirk D. Rasmussen, Dallas, TX Elizabeth Carole Shaw, Washington, DC
1973	Donald Hess Brobst, Wilkes Barre, PA Donald James Fitzgerald, Palo Alto, CA Frank David Spiegelberg, Tulsa, OK Durwood J. Zaelke, Washington, DC	1985	David A. Wollin, Providence, RI	2000	Felipe Guzman, Santiago, Chile Amy Horner, Washington, DC Sara Jane Peterson, Minneapolis, MN Joanne Rotondi, Washington, DC Cassandra Sturkie, Washington, DC
1974	John A. Decker, Saginaw, MI John Vincent Dwyer, Jr., Nashua, NH Roger Kenneth Ferland, Phoenix, AZ E. Duncan Getchell, Jr., Richmond, VA Ronald Robert Janke, Cleveland, OH Donna H. Stinson, Tallahassee, FL	1986	Benjamin Andrew Brown, Minneapolis, MN Terry R. Kane, Raleigh, NC	2001	Ignacio Funes De Rioja, Buenos Aires, Argentina Nicolle R. Snyder Bagnell, Pittsburgh, PA Peter A. Tomasi, Milwaukee, WI
1975	C.G. Martin, Pasadena, CA Margot A. Metzner, Los Angeles, CA	1987	David Randall Benn, Washington, DC Gary Edward Mason, Washington, DC Steven Alan Schwartz, Haverford, PA	2002	Christopher Thomas Kennedy, Columbus, OH
1976	Dean M. Cordiano, Hartford, CT Steve Roady, Washington, DC	1988	Don Frost, Washington, DC	2004	Amy M. Stewart, Atlanta, GA
1977	Jeffrey J. Davidson, Washington, DC	1989	Donna Elena Frosco, White Plains, NY Eric L. Hiser, Scottsdale, AZ Robert M. Howard, San Diego, CA		
1978	James Joseph Capra, Jr., New York, NY J. Andrew Goddard, Nashville, TN Homer Michael Keller, Salt Lake City, UT Robert Bruce Parrish, Jacksonville, FL Steve Shimberg, Washington, DC Greg Wetstone, Washington, DC	1990	Lisa L. Balderson, Charleston, WV Donald M. Nielsen, Winston-Salem, NC		



Shaping America's Environmental Legacy

As **John Adams** describes, "When I finished Duke Law School in 1962, environmental law in the United States hadn't been invented yet. But it was fast becoming clear that industrial pollution was destroying America's air and water, and unrestrained development was gobbling up the landscape. And there was no way to stop it."

After a brief stint with a Wall Street law firm and a five-year tour as an Assistant U.S. Attorney in Manhattan, Adams saw the chance to act. In 1970, with a small group of established New York lawyers and half a dozen freshly minted law school grads, he created the non-profit Natural Resources Defense Council (NRDC), which today stands as one of America's leading forces for the environment.

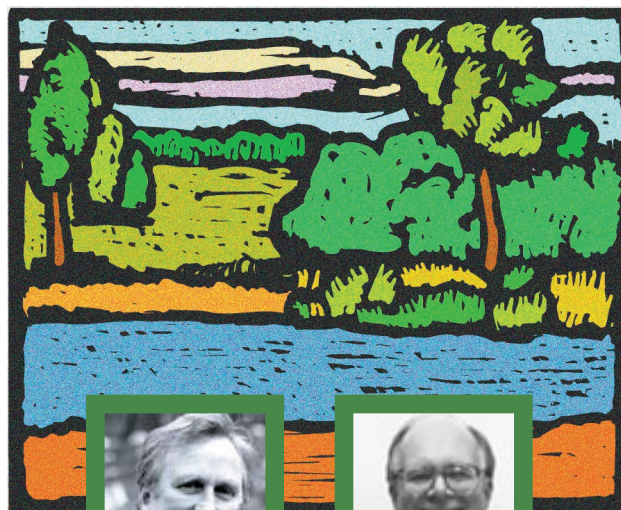
Adams has remained at the NRDC helm for 35 years, through the creation of pioneering laws like the Clean Air and Clean Water Acts to a new generation of battles over challenges like global warming and energy security that he believes will fundamentally reshape the ways America powers its economy.

"Our leaders simply must find the vision and the responsibility to face the environmental challenges of the 21 century. The first generation of environmental law has been a tremendous success, but the work is just beginning," says Adams. "Growing energy demand while our climate is jeopardized, over-fishing of our oceans and the stew of untested chemicals all around us add to the challenge. It's a challenge we can meet, but only if politicians and businesspeople step up to the plate."

Backed by more than one million members and activists, NRDC's lawyers, scientists and other experts work to create strong environmental safeguards and make sure they are enforced – even when powerful opponents would rather they weren't. Through its Environmental Entrepreneurs (E2) venture, NRDC also works with high-tech executives to reinforce the message that a safe, secure environment is a fundamental business necessity, and the foundation of a healthy economy.

The group is home to some of the country's best legal and scientific talent that includes a growing roster of Duke University alumni. These best-and-brightest include Greg Wetstone (J.D., '78); John Steelman (A.B., '83); John Walke (A.B. '90); Marico Sayoc (Master of Environmental Management, '99); Lee Hayes Byron (M.E.M., 2001); Alexandra Kenneough (Master of Public Policy & Master of International Development, 2001); and Adriano Martinez, (A.B. Environmental Science & Policy, 2001).

Watching Duke emerge as one of the nation's leading centers of environmental law



John Adams, '62



Doug Wheeler, '66

and policy innovation is a point of pride for Adams, who has maintained close ties to Duke Law School, where he serves as a life member of the Board of Visitors. He received a Duke University Distinguished Alumni Award in 1991, and the Law School's Charles J. Murphy Award in 1992. Working with Law School staff and other Duke alumni, Adams spotlighted the need for Duke to create a university-wide environment program, and was pleased when the Center for Environmental Solutions was created. "Environmental challenges are getting more and more complex. That means we need the best training possible for the next generation of environmental leaders, whether they work in business, government or the non-profit sector – the Center helps do that."

Along with his efforts at NRDC, Adams has taught for 26 years as an adjunct faculty member at New York University Law School, where he created the NYU/NRDC Environmental Law Clinic. He is Chairman of the Board of the Open Space Institute, a land trust for the protection of land in New York and the northeast. He also serves on boards of the Woods Hole Research Center, the League of Conservation Voters, and the Center for American Progress.

John Adams lives in upstate New York with his wife of 40 years, Patricia. They met at Duke and she remains a partner in his environmental endeavors. They and their three grown children enjoy spending time at their home in the Catskills on the Beaverkill River. ♡

A 1966 graduate of Duke Law, **Doug Wheeler** has focused on natural resource and environmental issues throughout his career, helping shape many of the laws and programs that now underpin national environmental policy.

Joining the Department of the Interior in 1969, Wheeler served for seven years as Assistant Legislative Counsel and Deputy Assistant Secretary for Fish and Wildlife and Parks. Wheeler then served as a senior executive of nonprofit environmental and conservation organizations, including the National Trust for Historic Preservation (Executive Director, 1977-80), American Farmland Trust (President, 1980-85), Sierra Club (Executive Director,

1985-87), and the World Wildlife Fund (Vice President, 1987-91). From 1991-1999, Wheeler served as California's Secretary for Resources, with responsibility for all of the State's natural and cultural resource programs, administered through 18 departments, conservancies, boards and commissions with combined budgets of nearly \$2 billion and a total staff of 13,000. During his tenure, Wheeler pursued environmental and resource conservation in the face of the state's rapid growth and development. Seeking to integrate economic and environmental goals, he was a pioneer of Habitat Conservation Plans – innovative agreements negotiated among federal, state, and local governments with private landowners and nonprofit groups for broad-scale conservation. Moving beyond the narrow focus of the Endangered Species Act on protection of a specific endangered species, Habitat Conservation Plans hold the potential to protect entire landscapes encompassing multiple species and their habitats while also facilitating lower-impact pathways for economic growth. In similarly inspired initiatives, Wheeler also promoted mitigation banking and transferable development rights.

His early development of these innovative strategies at the state level played a large part in their growth and increasingly important role in national environmental policy. His work on ecosystem management similarly helped lay the foundation for the increasing emphasis on management of landscapes and natural systems rather than specific species. He now practices at Hogan & Hartson in its Washington, D.C., office, and has also remained active at Duke, serving as a visiting lecturer and as a life member of the Law School's Board of Visitors. ♡