

*Tulane Environmental Law Society &
Tulane Institute for Environmental Law and Policy
Present*

Tulane's
10th Annual
Environmental Conference



Environment 2005

Law, Science, and the Public Interest

Program

This year's conference brings academic, practical, and popular perspectives to current issues, including:

Agriculture & the Environment

Wildlife Issues

Coasts & Hurricanes

Energy Futures

Urban Environment

Atchafalaya Basin Update

Media & the Environment

Tulane Alumni Tales of War & Peace

Keynotes

Anthony A. Oposa

Environmental Activism and the Fate of Homo Sapiens Sapiens

Greg Palast

The Politics of Energy

Special Exhibits

(Multipurpose Room)

Alliance for Affordable Energy

Gulf Restoration Network

Historic District Landmarks Commission

Preservation Resource Center

Tulane Environmental Law Journal

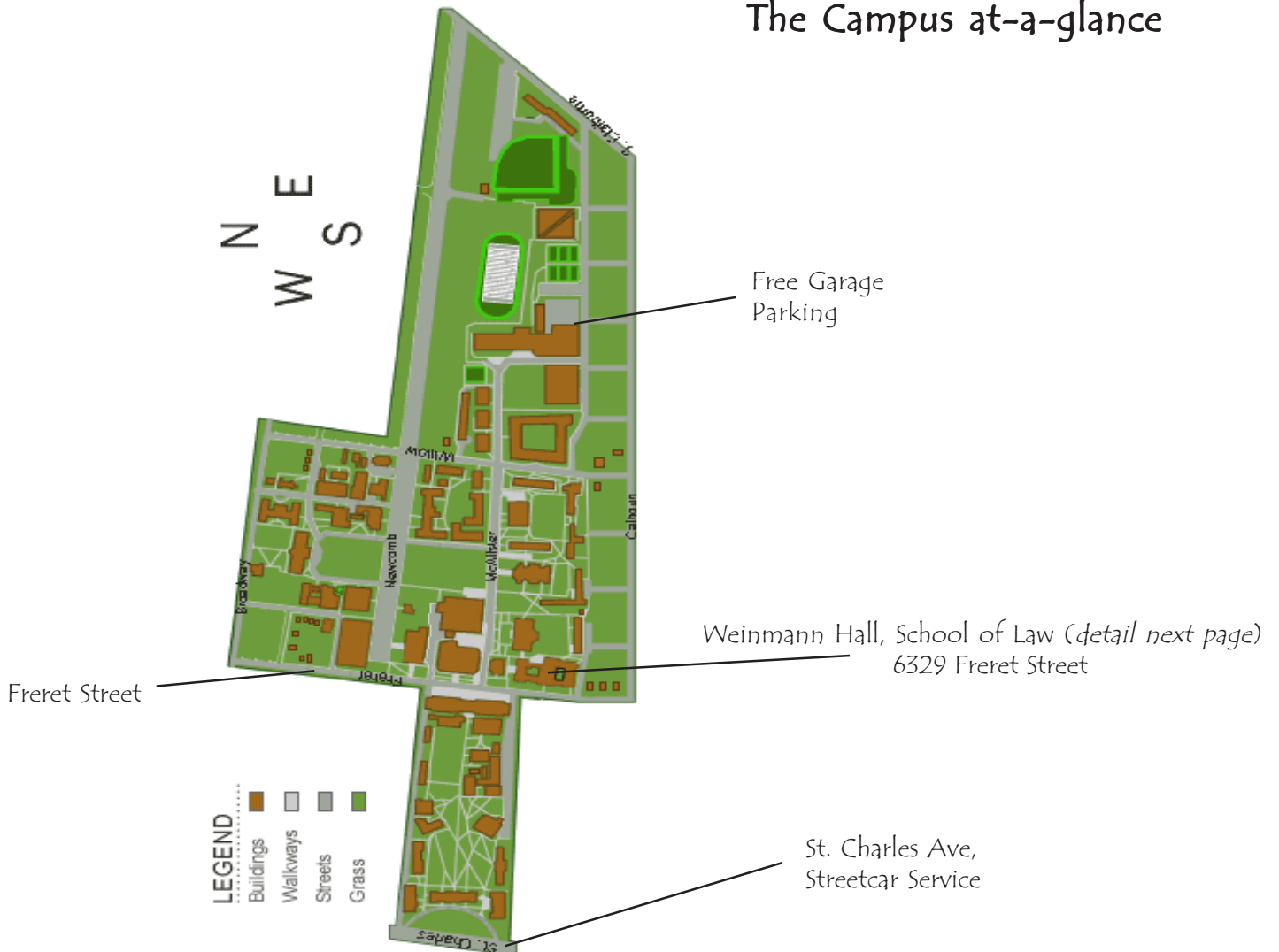
Tulane Environmental Law Society

Zavier University Deep South Center for Environmental Justice

Environmental Films

Welcome to Tulane University School of Law

The Campus at-a-glance



Room Assignments

(all rooms in John Giffen Weinmann Hall, School of Law)

First Floor Hall / Lounge

Registration
Exhibits
Journal Sales

Multipurpose Room & Patio

Coffee Breaks
Friday Reception
Saturday Lunch

Room 157

ETHICS & PROFESSIONALISM

WILD TIMES FOR WILDLIFE

Sharks, Skates, and Sawfish: Gulf Restoration Strategies

Litigating the Endangered Species Act

ENERGY FUTURES

Fish, Fires, &FERC - Is LNG Meant to Be?

New Source Review

Alternative Energy

FRIDAY KEYNOTE

Environmental Activism and the Fate of Homo Sapiens Sapiens - Anthony Oposa

SATURDAY KEYNOTE

The Politics of Energy - Greg Palast

Room 251

SPECIAL UPDATE: ATCHAFALAYA BASIN

ALUMNI TALES OF WAR & PEACE

War Stories from Alumni Practices

Roundtable on the State of the Environmental Law in the US

URBAN ENVIRONMENT

Mercury Regulation: Winds of Change

Clean Production and Environmental Justice

Shintech, Round Three

Room 110

AGRICULTURE & THE ENVIRONMENT

Endocrine Disrupters

Cautionary Crawfish Tales: Louisiana Aquaculture Issues

COASTS & HURRICANES

The Beach Mouse that Roared

Are We Under Water Yet?

Environmental Emergency Planning

SPECIAL PRESENTATION

How the Media Covers the Environment

For Details, Consult the Full Agenda on Following Page



Friday, April 1, 2005

11:30 am - 2:00 pm **Registration**

12:00 - 1:00 pm **Special Session - CLE - Room 157**
Ethics
Dane S. Ciolino, Alvin R. Christovich Professor of Law, Loyola Law School, New Orleans

1:00 - 2:00 pm **Professionalism**
Val P. Exnicios, Partner, Liska, Exnicios & Nungesser, New Orleans

Atchafalaya Basin Update - Rm 251
G. Paul Kemp, Associate Professor, Louisiana State University, Baton Rouge
Harold Schoeffler, Chair, Acadiana Group of Sierra Club, Lafayette, LA
Dean Wilson, Atchafalaya Basin Keeper, Plaquemine, LA

2:15 - 3:45 pm **Theme 1 - Room 110**
Agriculture & the Environment
Endocrine Disrupters
Karla Johannig, Center for BioEnv. Research, New Orleans
John McLachlan, Professor of Env. Endocrinology, Tulane, New Orleans
William Toscano, University of Minnesota School of Health, Minneapolis, MN

Theme 2 - Room 157
Wild Times for Wildlife
Sharks, Skates, and Sawfish: Gulf Conservation Strategies
John Carlson, Research Biologist, Nat'l Marine Fisheries Service, Panama City, FL
Sonja Fordham, Int'l Fish Conserv. Program Mgr, Ocean Conservancy, Washington, DC

Alumni Forum - Room 251
Tales of War & Peace
War Stories from Alumni Practices

4:00 - 5:30 pm **Cautionary Crawfish Tales: Louisiana Aquaculture Issues**
Mike Bienvenu, President, Western Branch, LA Crawfish Producers Association
Leigh Haynie, Attorney, Carenco, LA
Bruce Kingsdorf, Attorney, Barrios, Kingsdorf & Casteix LLP, New Orleans

Litigating the Endangered Species Act
Brian Nowicki, Endangered Species Coord., Ctr. for Biological Diversity, Tucson, AZ
Ray Vaughan, Director, Wildlaw, Montgomery, AL
Jean Williams, Wildlife & Marine Resources Section, Dept. of Justice, Washington, DC

Roundtable on the State of Environmental Law in the US
Moderated Discussion - all participants will be asked to discuss the topic question: "Where is environmental law headed in the US?"

5:30 pm

Keynote Address - Room 157

Anthony A. Oposa

Environmental Activism and the Future of Homo Sapiens Sapiens

Anthony Oposa is a world-renowned public interest lawyer from the Philippines who brought the case of *Oposa v. Factoran* (establishing standing to sue in environmental cases for unborn generations) and continues his work as a leading environmental lawyer in the South Pacific. Mr. Oposa is trained in the Philippines and has a Masters in Law from Harvard University. He will speak about combatting natural and human threats to the environment in Southeast Asia.

Reception - 7:00 pm

Tulane Law School Patio

Live Music and Local Fare

Saturday, April 2, 2005

9:00 am - 2:00 pm Registration

Theme 3 - Room 110

Coasts & Hurricanes The Beach Mouse that Roared: *Development & the Alabama Beach Mouse*

Bob Greene, Attorney, Birmingham, AL
Robert Wiygul, Attorney, Waltzer & Associates, Biloxi, MS
Michael Wooten, Professor of Biology, Auburn University, Auburn, AL

Theme 4 - Room 157

Energy Futures Fish, Fires, & FERC - Is LNG Meant to Be?

Jerry Havens, Chemical Hazards Research Center, University of Arkansas, Fayetteville, AR
Greg Koehler, Project Mgr., Shell Gas&Power, New Orleans
Jeff Rester, Gulf States Marine Fisheries Association
Cynthia Sarthou, Director, Gulf Restoration Network, New Orleans

Theme 5 - Room 251

Urban Environment Mercury Regulation: Winds of Change

Barry Kohl, Prof of Earth & Env. Sci, Tulane, New Orleans
Howard Mielke, Xavier University College of Pharmacy, New Orleans
Catherine O'Neill, Professor, Seattle University Law School
Robert Verchick, Gauthier-St. Martin Chair in Env. Law, Loyola Law School, *Moderator*

10:00-11:30 am

11:30 - 12:30 pm **Lunch**

12:30 - 1:30 pm **Special Session - Room 110: How the Media Covers the Environment**

Bob Thomas, Professor of Communications, Loyola University; **Don Baker**, Perez Baker and Associates; **Bob Marshall**, Reporter, Times Picayune; **Mark Schleifstein**, Reporter, Times Picayune and member Society of Environmental Journalists; **Maura Wood**, Sierra Club

1:30 - 3:00 pm

Are We Under Water Yet? - Louisiana Hurricanes: A Worst Case Scenario

Mark Davis, Director, Coalition to Restore Coastal Louisiana, Baton Rouge
Gerald R. North, Distinguished Professor of Atmospheric Sciences, Texas A&M University
Joseph Suhayda, Coastal Oceanographer, Baton Rouge

New Source Review

Dennis Hirsch, Professor, Capital University Law School, Columbus, OH
Shi-Ling Hsu, Professor, Univ. of British Columbia Law School, Vancouver, BC
Jonathan Nash, Cudd Associate Professor of Environmental Law, Tulane Law School, New Orleans

Clean Production and Environmental Justice

Yarrow Etheredge, Mayor's Office, New Orleans, *Moderator*
Steve Villavaso, Center for Brownfields Initiatives, New Orleans
Franz Vogt, Chairman, Community/Industry Cooperation Committee, New Orleans
Carolyn Woullard, Deep South Center for Environmental Justice, New Orleans

3:30 - 5:00 pm

Environmental Emergency Planning

Eric Dannenmaier, Director, Inst. for Env. Law & Policy, *Moderator*
Terry J. Ebbert, New Orleans Director of Homeland Security
John Pine, Director, Disaster Science and Mgmt., LSU
Brian Wolshon, Associate Professor of Civil & Env. Engineering, LSU

Alternative Energy

Bill Roberson, Louisiana Public Service Commission, Shreveport, LA
Charles Reith, Director, Alliance for Affordable Energy, New Orleans
Herman Schellstede, President, Wind Energy Systems Technology, New Iberia, LA

Shintech, Round Three

Mitch Crusto, Professor, Loyola Law School, New Orleans, *Moderator*
Darryl Malek Wiley, Sierra Club, Baton Rouge
Richard Mason, Controller, Shintech Inc, Houston, TX

5:00 pm

Keynote Address: **Greg Palast** Room 157 The Politics of Energy

Palast is a London Times journalist and author of New York Times Best Seller "The Best Democracy Money Can Buy"
Presented in Collaboration with the Alliance for Affordable Energy

7:00 pm

Alliance for Affordable Energy Dinner
Southport Hall

TLS Alumni Dinner (by invitation)
Audubon Zoo

(Meet at the iron gate to the left of main entrance:
The Zoo Train will Take you From There)

Speaker Biographies (very abridged)

John Carlson is currently a Research Biologist at the National Marine Fisheries Service in Panama City, Florida and an adjunct faculty member of the Department of Biology/Florida State University. Dr. Carlson's current research involves biological and analytical work relating to population assessment. His research interests include physiological ecology, life history theory, and bioenergetics, among others.

Dane S. Ciolino serves as the Alvin R. Christovich Professor of Law of Loyola University School of Law. Professor Ciolino's current interests at Loyola include Professional Responsibility, Copyright and Contracts. He serves as reporter to the La. State Bar Association Ethics 2000 Committee, as a member of the LSBA Professionalism Committee, Lawyer & Judicial Codes of Conduct Committee, and Ethics Advisory Service.

Mitch Crusto is a Loyola Law Professor, formerly served as Senior Manager at Arthur Andersen's Environment Consulting Worldwide Practice, Director of Corporate Environmental Policy at Monsanto Company, and on President Clinton's Transition Team at the US EPA. He has authored many articles on business and the environment.

Eric Dannenmaier directs the Institute for Environmental Law and Policy and teaches International Development Law at Tulane Law School. Previously, he served as a legal advisor to the US Agency for International Development and the Organization of American States. Dannenmaier's research focuses on the role of non-state actors in environmental decision-making.

Mark Davis has been Executive Director of the Coalition to Restore Coastal Louisiana since 1992. The Coalition is dedicated to the ecologic, cultural, and economic stewardship of Louisiana's coastal waters, wetlands, and barrier shorelines. Mr. Davis is an attorney and sits on a number of boards and commissions related to coastal wetlands and coastal science and policy.

Terry J. Ebbert has over 38 years of experience in professional leadership and is a veteran who was awarded the Navy Cross. Serving as Director of Homeland Security for New Orleans he is assigned the operational and planning responsibility for the Police Department, Fire Department, and the Office of Emergency Preparedness.

Yarrow Etheredge has worked at the Mayor's Office of Environmental Affairs since 2003. She graduated from Tulane Law School in 1999 with a certificate in Environmental Law, after which she worked in private practice for three years focusing on environmental law.

Val P. Exnicios is a partner at Liska, Exnicios & Nungesser in New Orleans. Mr. Exnicios is a graduate of Loyola University School of Law, and is a member of the La. State Bar Association's Environmental Law, Bench & Bar, and Insurance, Negligence, Compensation and Admiralty Law Sections, as well as the Professionalism and Quality of Life Committee. He is a frequent CLE lecturer on ethics, professionalism, and mass tort/class action matters.

Sonja Fordham has directed shark conservation projects at The Ocean Conservancy since 1991. She works to promote implementation of the US Shark Finning Prohibition Act and UN International Plan of Action for Sharks and has received awards for her work. She authors reports and papers.

Bob Greene is a partner of Bradley, Arant, Rose & White in Birmingham, AL. His practice emphasizes environmental law and he is a member of the firm's environmental practice group, which publishes *Environmental Law and Regulation* in Alabama. He is a former Deputy Regional Counsel at EPA.

Jerry Havens is Distinguished Professor of Chemical Engineering at the University of Arkansas. He is also Director of the U of A Chemical Hazards Research Center. Dr. Havens' primary research interests are in atmospheric dispersion of heavy gases and fire/explosion phenomena. He is internationally recognized as an expert in methodologies for predicting atmospheric dispersion of hazardous gases.

Leigh Haynie is a staff attorney with the nonprofit environmental group Heartwood, based in Bloomington, Indiana. She also maintains a private practice in Carencro, Louisiana, representing environmental plaintiffs. Ms. Haynie is licensed to practice law in Alabama and Louisiana.

Dennis Hirsch is Professor and Director of the Environmental Law Concentration Program at Capital University Law School. He specializes in the study of alternative forms of environmental regulation and their potential for enhancing environmental protection. His most recent article examines advanced manufacturing methods, their environmental potential, and whether "next generation" policy has a role to play in achieving these gains.

Shi Ling Hsu is an Associate Professor of Law at the University of British Columbia Faculty of Law. Prior to his present appointment, he was an Associate Professor at the George Washington University Law School, and a Senior Attorney and Economist with the Environmental Law Institute in Washington DC. Professor Hsu holds a master's degree in ecology and a Ph.D. in agricultural and resource economics.

Karla Johanning joined Tulane University in 2002 as Senior Research Scientist. Her interests focus on combining both lab and field research in endocrine/signaling disruption, by using different organisms and cell culture systems. Dr. Johanning was awarded a grant by the Costa Rica-USA Foundation to initiate studies in coastal areas of Costa Rica in endocrine disruption using marine organisms.

G. Paul Kemp is a Geological Oceanographer and Active Board Member and former Director of the Coalition to Restore Coastal Louisiana. He holds a Ph.D from LSU and is currently an Associate Research Professor at LSU's School of the Coast & Environment.

Bruce Kingsdorf is a partner in the general practice firm of Barrios, Kingsdorf & Casteix. He has extensive experience in private practice and as a corporate counsel, representing plaintiffs and defendants in class action litigation in both state and federal court.

Greg Koehler is currently Project Director for Shell's US Gulf of Mexico LNG re-gasification project, responsible for technical and commercial development, stakeholder engagement, and licensing. His background includes 22 years of experience in the energy industry, 15 of which were in Exploration and Production.

Barry Kohl is a geologist and adjunct professor in the Department of Earth and Environmental Sciences at Tulane University. Dr. Kohl has been working with the Louisiana Departments of Environmental Quality and Health and Hospitals for over 10 years as an advisor to the state's Mercury Program. He has focused attention on the sources of mercury contamination of rivers and lakes.

Darryl Malek-Wiley is an Associate Representative and Grassroots Organizer of the Sierra Club and has been an Environmental Policy Consultant since 1985. He has experience with a broad range of environmental policy issues on all levels and has received awards for his work.

Bob Marshall is outdoors editor of the Times Picayune. One of the issues he consistently covers, as a reporter and columnist, has been environmental regulation. His work has appeared in a wide range of national publications and in 1997 he was one of three Times Picayune reporters to earn The Pulitzer Prize for the series "*Oceans of Trouble*" which examined the plight of the world's oceans and its fisheries.

Richard Mason is a Controller for Shintech Incorporated, which manufactures and sells polyvinyl chloride resin. He is involved in Shintech's relations with state and local governments and community affairs. Mr. Mason is a member of the EPA's National Environmental Justice Advisory Council.

John McLachlan is a Professor at Tulane University and directs the Environmental Endocrinology Laboratory at the Center for Bioenvironmental Research. The lab utilizes cutting edge techniques to study environmental signaling, concentrating in environmental estrogens - natural and synthetic chemicals that interact with the estrogen receptor.

Jonathan Nash is the Robert C. Cudd Associate Professor of Environmental Law at Tulane Law School, where he teaches and researches in the areas of environmental law, law and economics, property, and civil procedure. Previously, Professor Nash was a Bigelow Fellow at the University of Chicago Law School. He holds a JD from NYU School of Law and an LLM from Harvard Law School.

Gerald R. North is the Distinguished Professor of Atmospheric Sciences & Holder of the Haynes Endowed Chair in Geosciences at Texas A&M. He specializes in statistical problems in atmospheric science and climate, detection of climate signals, and global observing systems such as by satellite.

Brian Nowicki holds an MS in Forestry from Northern Arizona University. He was a conservation biologist for five years with the Southwest Forest Alliance and Center for Biological Diversity. He is currently coordinating the Center's interaction with national legislation and regulation affecting endangered species.

Speaker Biographies (very abridged)

Catherine O'Neill writes, teaches, and attempts to affect policy in the area of environmental justice. Her efforts have focused on issues of risk affecting indigenous peoples. She has published pieces on risk avoidance and on mercury contamination. She is currently an Associate Professor of Law at Seattle University School of Law and recently testified before Congress on the Administration's proposed mercury regulation.

Anthony Oposa pioneered the practice of environmental law in the Philippines and is one of Asia's leading voices in the international arena of environmental law. He is a Professor of Environmental Law of the UP College of Law and of the Philippines Judicial Academy and advisor to a wide range of clientele - ranging from pro bono farmers' and fishermen's groups to Governments and international agencies.

John Pine currently chairs the LSU Department of Geography and Anthropology and serves as Director of LSU's graduate and undergraduate programs in Disaster Science and Management. His research and teaching focus on legal issues in emergency planning and response and environmental hazards analysis. He is author of numerous articles examining the social, economic, and environmental impacts of hazards and disasters.

Charles Reith has a Ph.D. in Ecology from the Univ. of New Mexico, and has extensive experience as a technical expert and project manager in radioactive, toxic and municipal waste projects and with clean-up of contaminated sites. He currently runs Sustainable Systems, Inc., which provides consulting services on environmental and energy management. He is also an Adjunct Professor at Tulane.

Jeff Rester has worked as a fisheries biologist for the Gulf States Marine Fisheries Commission since 1997. He coordinates the Southeast Area Monitoring and Assessment Program, a fishery-independent data collection program, and the Commission's joint habitat program with the Gulf of Mexico Fishery Management Council that addresses habitat issues in both State and Federal waters in the Gulf.

Bill Robertson joined the staff of Commissioner Foster Campbell's office in 2003 after he took office as North Louisiana's Public Service Commission member. Previously Mr Robertson was a newspaper reporter, City of Shreveport recycling coordinator, and environmental activist. In 1990 he started Scenic Louisiana to promote a billboard-free Interstate 49 and has served on the Board of the Louisiana Audubon Council.

Cynthia Sarthou is Executive Director of the Gulf Restoration Network in New Orleans, LA. The GRN is a network of local, regional and national groups concerned about long term health of the Gulf of Mexico and committed to uniting and empowering people to protect and restore the Gulf Region. Ms. Sarthou received her JD from the University of Mississippi and her LLM in Law and Marine Affairs from the University of Washington.

Herman Schellstede is President of Wind Energy Systems Technologies, which will provide wind energy employing the oil and gas infrastructure located in the Gulf of Mexico. He holds numerous US and international patents and has owned and operated two professional industrial engineering companies for the past 37 years.

Mark Schleifstein has worked at the Times Picayune since 1984 as a member of environmental reporting teams that produced six major series during the past 14 years. His series have won numerous awards and Mr. Schleifstein received the Governor's Award from the Louisiana Wildlife Federation, presented annually to the person deemed to have made the most outstanding contribution toward the protection of the state's natural resources.

Harold Schoeffler is the Chair of the Acadiana Group of the Sierra Club and serves on the Board of the Atchafalaya Crawfish Producers Association. He studied fisheries management and economics at the University of Louisiana at Lafayette and has owned and operated an auto business since 1966.

Joseph Suhayda is a Ph.D in Physical Oceanography and currently works as an Oceanographic Consultant. His specialties are coastal processes and hydrology; oceanographic design criteria for offshore structures, coastal erosion assessments, coastal restoration technology, and hurricane flood prediction and protection.

Robert Thomas holds the Loyola Chair in Environmental Communications, and is Director of the Center for Environmental Communications at Loyola. He is also Founding Director of the Louisiana Nature Center and serves on the Board of the Coalition to Restore Coastal Louisiana and the Save Our Lake Foundation.

William Toscano is a Professor of Toxicology at the University of Minnesota. His laboratory focuses on environmental signals and sensors, with the goal of developing a detailed understanding of the actions of chemicals in the environment that disrupt cellular signal and information systems, and the impact on human health. Recent work has focused on interactions of the dioxin receptor that modulates growth and development.

Ray Vaughan has more than 18 years of experience in fighting for the Wild in courts. The author of numerous legal articles and three books on environmental law, Mr. Vaughan handled two successful lawsuits against the infamous timber salvage rider. Vaughan founded Wildlaw in 1997; Wildlaw is a non-profit environmental law firm with offices in Alabama, Florida, North Carolina, Virginia, and Utah.

Robert Verchick holds the Gauthier-St. Martin Chair in Environmental Law at Loyola Law School. A nationally recognized expert on environmental law and land use, Prof. Verchick is a Research Scholar with the Center for Progressive Regulation in Washington DC, and Contributing Editor to the ABA's *Urban Lawyer* law review.

Steve Villavaso is an environmental attorney and city planner specializing in brownfields, land use, and zoning projects. He is an Adjunct Professor at the University of New Orleans teaching courses in land use law, environmental law, and grantwriting. In 2002 he co-founded and is the Co-Director of the Center for Brownfields Initiatives, which manages brownfields projects including institutional controls research and technical training.

M. Franz Vogt is currently Senior Manager of a manufacturing company in New Orleans and Chairman of the Community/Industry Cooperation Committee, which seeks to create a mechanism for Industry and the Community to resolve environmental issues, thereby promoting environmentally responsible economic development in the State of Louisiana.

Jean Williams has been Chief of the Wildlife Section for five years, and prior to that was an Assistant Chief and Trial Attorney with the Section. The Section defends federal agencies such as the Fish and Wildlife Service and NOAA Fisheries among others, on suits brought under the ESA and other federal wildlife laws, and on matters concerning a broad array of federal land management and regulation.

Dean A. Wilson is the Atchafalaya Basinkeeper. His work includes conservation of neotropical birds, and issues of water quality, sediment, and the arrival of the cypress mulch industry to Louisiana. His goal is to prevent the demise of our swamps and emphasize the importance of the Basin.

Robert Wiygul is the resident attorney in the Biloxi, MS office of Waltzer & Associates, a New Orleans law firm specializing in environmental and trial practice. A frequent writer and speaker, he has litigated numerous cases under the National Environmental Policy Act, the Outer Continental Shelf Lands Act and other environmental laws.

Brian Wolshon is an Associate Professor in the Department of Civil and Environmental Engineering at LSU, specializing in the field of highway design and traffic engineering. His research has focused on the management and analysis of traffic during evacuations. In 2000 he founded the Transportation Research Board Subcommittee on Emergency Evacuation.

Michael Wooten is a Professor and former Chair in the Department of Biological Sciences at Auburn University. His research interests include Population Genetics, Conservation Biology, and Biological Sciences. His research group has studied the Alabama Beach Mouse and other Gulf Coast populations.

Carolyn Woullard is the Program Manager for Community Outreach and Special Programs at the Deep South Center for Environmental Justice. She coordinates community outreach activities for the Mississippi River Avatar Advisory Board that represents seven parishes.

Acknowledgements

The organizers would like to give special thanks to the following:

For Making this Thing a Reality

The Students of Tulane's **Environmental Law Society** Executive Committee and **Student Volunteers**

For Serving as Panel Chairs and Committee Chairs

(the Creative and Logistical Soul of the Conference)

Kimberly Bender

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Kristina Hanson

Lauren Hassler

Seth Hennes

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Gulf Restoration Network

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Loren Remsberg

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The Tulane, New Orleans, Gulf Coast, and Washington DC, and Global Environmental Communities
(the usual suspects)

Oh, and by the way, we do more than just teach environmental law at Tulane:

TULANE'S ENVIRONMENTAL LAW PROGRAM

The Tulane Environmental Law Program is one of the largest and most diverse in the United States. Each year Tulane graduates more than forty Juris Doctor and fifteen Masters candidates with specialties in environmental law. What distinguishes Tulane's program in addition to the experience of its faculty is the scholarship of its journal, the strength of its clinic, the international projects of its institute, and the momentum provided by an engaged group of students. These

four components of Tulane's program—in the extraordinary setting of New Orleans, the Lower Mississippi River, and the Gulf Coast—provide a unique academic experience for those with an interest in environmental law and international sustainable developmental policy. For more information, contact the Law School's admissions office at John Giffen Weinmann Hall, Tulane University, 6329 Freret Street. (504) 862-5930, or its web site at <http://www.law.tulane.edu>.