

The **15<sup>th</sup>** Annual Tulane Law School Summit on  
Environmental Law & Policy:

## Bound by Water



**April 9-11, 2010**

**Presented by the Tulane Institute on Water Resources Law & Policy  
and the Tulane Environmental Law Society**

*"A river is more than an amenity, it is a treasure", Justice Oliver Wendell Holmes, Jr.*

Water is one of the elemental forces that have shaped our planet and human development. Too much or too little of it can be the difference between growth and decline; between success and failure; and between how cultures develop. It has always been so and remains so today though not always in ways that our laws, policies and expectations are well tuned to deal with.

Changing climates, dwindling fresh water supplies, and shifting demands are bringing renewed attention to how our water resources are managed—and how they perhaps should be. This places water at the intersection of law and policy; science and technology; and culture, economics and environmental stewardship. Putting these issues into both focus and context is the aim of Bound by Water, a summit to be held at Tulane Law School on April 9 and 10, 2010.

The Bound by Water summit will feature some of our nation's most eminent experts on water law, policy, and management and will be of interest to lawyers, policy makers, planners, resource users, advocates, and others with an interest in how water management affects their community, business, or future.

Continuing Legal Education credits will be available for members of the bar. Certification and maintenance credits may also be available for members of the American Planning Society.

**Register [here](http://www.peopleware.net/index.cfm?siteId=107&eventDisp=10SVENV):** <http://www.peopleware.net/index.cfm?siteId=107&eventDisp=10SVENV>  
**Visit our [website](http://www.law.tulane.edu/tlsOrgs/tels/telc/index.aspx) for more information:** <http://www.law.tulane.edu/tlsOrgs/tels/telc/index.aspx>

**Tulane Institute**  
on Water Resources Law & Policy



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## Friday, April 9

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### **9:00-11:00 A.M.**

#### **Ethics and Professionalism: Are They Compatible?**

Ethical dilemmas capable of subjecting attorneys to disciplinary inquiries, if not sanctions, can arise in all areas of practice and at all stages of the client-attorney relationship throughout an attorney's career. This year's Ethics session seeks to address some of the ethical questions that most often confront attorneys. They will include some that directly impact the attorney's duty of loyalty to its clients and the protection of attorney-client confidences, the boundaries of zealous advocacy, the challenges of conflicting self-interest, and the attorney's duties of candor to the courts. The presentation will address these issues by identifying the black letter rules applicable to the evaluation of these controversies as well as their general interpretation in practice. It will then address issues raised by the related, aspirational field of Professionalism and consider the boundaries between effective advocacy and the principles of attorney professionalism.

**Dane Ciolino, J.D.**- *Alvin R. Christovich Distinguished Professor of Law, Loyola University New Orleans College of Law, New Orleans, Louisiana*

### **11:30 A.M.-12:45 P.M.**

#### **Dams, Ditches, and Diversions: The Future of America's Water Projects**

Water use and availability are being affected by climate change, rising seas, and a growing demand for water. Panelists will look at how our public works and environment will adapt to these changing times to insure a safe and steady supply of water and sustainable ecosystems.

**David Conrad**- *Senior Water Resources Specialist, National Wildlife Federation, Washington, D.C.*

**Steven Peyronnin**- *Executive Director, Coalition to Restore Coastal Louisiana, Baton Rouge, Louisiana*

**Karen Durham Aguilera**- *Director of Task Force Hope, U.S. Army Corps of Engineers, Vicksburg, Mississippi*

**Keith Colvin, J.D.**-*McGlinchey Stafford, New Orleans, Louisiana (Moderator)*

#### **See You in Court: The Role of Public Interest Litigation in Protecting the Gulf Coast**

From Texas to Florida, the Gulf Coast is facing numerous environmental challenges. Members of the public have taken their concerns to the courtroom. This panel will discuss recent public interest litigation, the challenges faced, and the impact these cases will have on the future of the Gulf Coast.

**David Guest, J.D.**- *EarthJustice, Tallahassee, Florida*

**Stephen Wiles, J.D.**- *Reasonover & Olinde, L.L.C., New Orleans, Louisiana*

**Adam Babich, J.D.**- *Director, Tulane Environmental Law Clinic, New Orleans, Louisiana (Moderator)*

#### **Opening the Floodgates: The Elements of Successful Flood Protection**

Communities of South Louisiana face a daily challenge of balancing traditional techniques and definitions of flood protection with new and innovative protection measures. The overlap of various techniques, including hard protection, community emergency response, and changes to housing structures, reinforce the importance of clear and effective communication. This panel will explore many of the current techniques in place, the terms of art employed by various disciplines, and attempt to determine how current efforts can combine to present a unified front.

**Steve Villavaso, J.D.**- *Villavaso & Associates, New Orleans, Louisiana*

**Tim Doody**- *President, Southeast Louisiana Flood Protection Authority-East, New Orleans*

**Paul Harrison, J.D.**- *Senior Director for Mississippi River and East Coast, Center for Rivers and Deltas, Environmental Defense Fund, Washington, D.C.*

**Brenda Dardar Robichaux**- *Principal Chief of the United Houma Nation, Houma, Louisiana (invited)*

**Bill Hines, J.D.**- *Jones Walker, New Orleans, Louisiana (Moderator)*

### **1:00-2:00 P.M.**

**Green Luncheon:** Multi-purpose Room, Weinmann Hall, Tulane University Law School

### **2:00-3:15 P.M.**

#### **Water Wars: Lessons from the Front**

A rapidly growing metropolis in one state, thirsty farms and water dependent industries in neighboring states, and between them one main source of water. Water wars in the east have been raging for over a decade and are becoming more frequent. Panelists from Georgia, Alabama, Florida, and Louisiana will weigh in on these ongoing and emerging struggles for water rights and discuss what we can learn them.

**Mark Masters**- Director of Projects, Georgia Water Planning and Policy Center, Albany, Georgia

**Gil Rogers, J.D.**- Senior Attorney, Southern Environmental Law Center, Atlanta, Georgia

**Scott Angelle**- Secretary, Louisiana Department of Natural Resources, Baton Rouge, Louisiana

**Marco Cocito-Monoc Ph.D.**- Director of Regional Initiatives, Greater New Orleans Foundation, New Orleans, Louisiana (Moderator)

#### **Getting Around: New Orleans Transportation in 2020**

New Orleans is a compact city that it well suited to alternative forms of transportation. Yet the primary means of getting around still remains the private automobile. This panel will take a look at some of the hottest issues in New Orleans transportation.

Topics to be covered include the debate over whether or not to remove the I-10 overpass on N. Claiborne and the exciting possibilities of "complete street" design. Both the legal and social challenges to designing a greener transportation infrastructure will be explored in depth.

**Bill Borah, J.D.**-Land Use Attorney, Borah Consulting, New Orleans, Louisiana

**Fay Faron**- President, Friends of the Ferry, New Orleans, Louisiana

**Dan Jatres**- Program Manager, Greater New Orleans Pedestrian and Bicycle Program- Regional Planning Commission, New Orleans, Louisiana (Moderator)

#### **The Delicate Balance of Ballasts**

*Sponsored by Tulane Maritime Law Society*  
Ballast water is an integral part of the international shipping industry. While current Coast Guard regulations requiring ocean exchanged have greatly reduced the number of invasive species entering US

waters, the danger of invasion is still very real. In 2009 the Coast Guard introduced new, stricter regulations on ballast water entering the US on foreign ships, addressing both onboard equipment to clean the ballast tanks and the number of organisms permissible per unit of ballast water. The purpose and impact of these regulations will be discussed.

**Lt. Ronald Fogan**- Supervisor, Port State Control/ Arrivals Branch, Sector New Orleans, New Orleans, Louisiana

**Draughn Arbona, J.D.**- Associate Counsel, CMA CGM (America) LLC, Norfolk, Virginia

**Tony Rodriguez, J.D.** - Fowler Rodriguez Valdes-Fauli, New Orleans, Louisiana (*invited*)

**Joshua Force, J.D.**-Sher Garner Cahill Richter Klein & Hilbert, LLC and Adjunct Professor, Tulane University Law School, New Orleans, Louisiana (Moderator)

### **3:30-4:45 P.M.**

#### **New Energy, Old Water**

*Sponsored by Federal Bar Association Section on Energy, the Environment and Natural Resources*

As the nation turns to alternative energy to increase our energy independence and reduce our greenhouse gas emissions, the impacts of new energy sources on water become clearer...and more troublesome.

From natural gas exploitation to solar energy, this panel will look at the role water will play in alternative energy.

**Scott Perry, J.D.**- Director, Pennsylvania Bureau of Oil and Gas, Harrisburg, Pennsylvania

**Eric Dannenmaier, J.D.**- Associate Professor of Law and Dean's Fellow, Indiana University School of Law-Indianapolis, Indiana

**Deborah Goldberg, J.D.**- Associate, EarthJustice, New York, New York

**Iyrs Allgood, J.D.**- Assistant Attorney General, Louisiana Attorney General's Office, Baton Rouge, Louisiana

**Kenneth Gelburn, J.D.**- Chair, Federal Bar Association Section on Energy, the Environment and Natural Resources, Norristown, Pennsylvania (Moderator)

### **Water for All?: Water as a Human, Economic, & International Resource**

Our entry into the 21st Century has heralded an era in which water, not oil, may be the planet's most valuable commodity. This shift from oil to water has led to a growing link between water allocation, human rights, and global security, including in the area of international water law. This panel will address these issues, the weaknesses that have developed in international water law, and the effectiveness of the currently proposed solutions.

**Dan Tarlock, J.D.**- Professor, Chicago-Kent College of Law, Chicago, Illinois

**Monique Harden, J.D.**-Co-Director, Advocates for Environmental Human Rights, New Orleans, Louisiana (invited)

**Gunther Handl, J.D.**- Professor, Tulane Law School, New Orleans, Louisiana (Moderator)

### **The Future of Food**

*Sponsored by Student Animal Defense League Fund*

As the human population continues to grow and fish populations continue to diminish, the question has become how we will continue feeding the population in a sustainable manner. Several novel commercial fishing techniques are being developed in an effort to promote sustainable commercial fishing. These techniques include catch shares, ocean fish

farming or "aquaculture" and re-circulating aquaculture. This panel will explore the implementation of these techniques and the effectiveness of the techniques at creating sustainable fisheries.

**Robert Wiggul, J.D.**- Waltzer & Associates, Ocean Springs, Mississippi

**Mariane Cufone, J.D.**- Fish Campaign Director, Food & Water Watch, Tampa, Florida

**Jim Mason, J.D.**- Author and attorney, New York, New York

**Richard McCarthy**- Executive Director, marketumbrella.org, New Orleans, Louisiana (Moderator)

### **5:00-6:15 P.M.**

**Keynote Address: Joseph Sax, J.D.**-

Professor of Law, University of California, Berkeley Boalt Hall School of Law

*"Climate Change and the Migratory Seashore: Old Laws and New Needs"*

### **6:30-7:30 P.M.**

**Cocktail Reception:** Woldenberg Art Center, Tulane University

### **7:30 P.M.**

**"A Bunker in Palms"**- Woldenberg Art Center, Tulane University

An original Tulane University Law School theatrical production, performed by Tulane Law ReVieux.

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**Saturday, April 10**

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**10:00-11:15 A.M.**

**Cooler Living Through Science: Has the Time Come**

The world's response to rapidly rising levels of greenhouse gas emissions has led many scientists to predict that temperatures could rise 3-4 degrees Celsius or more by the end of the century, with potentially catastrophic implications for human institutions and ecosystems. As a consequence, interest has been reinvigorated in geoengineering, which the National Academy of Sciences defines as "large-scale engineering of our environment in order to combat or counteract the effects of changes in atmospheric chemistry." This panel will explore legal, scientific, and policy issues associated with potential deployment of geoengineering schemes, with an emphasis on ocean fertilization and albedo modification techniques.

**Wil Burns, J.D.** - *Journal of International Wildlife Law and Policy, Washington, D.C.*

**Albert Lin, J.D.** - *Professor of Law, University of California Davis School of Law, Davis, California*

**Dan Whaley** - *CEO, Climos, San Francisco, California*

**G. Paul Kemp, Ph.D.** - *Vice President, Gulf Coast Initiative, Baton Rouge, Louisiana (Moderator)*

**Taking it to the Limit**

Water is both a private amenity and public necessity so managing water and for water driven risks can cause private property interests and public rights to collide.

Panelists will discuss emerging takings jurisprudence from rising seas and eroding coasts to the endangered species act.

**John Echeverria, J.D.** - *Professor of Law, Vermont Law School, South Royalton, Vermont*

**Carlos A. Zelaya, II, J.D.** - *F. Gerald Maples, P.A., New Orleans, Louisiana*

**David Breemer, J.D.** - *Pacific Legal Defense, Sacramento, California (invited)*

**Eric Dannenmaier, J.D.** - *Associate Professor of Law and Dean's Fellow, Indiana University School of Law-Indianapolis, Indiana (Moderator)*

**Greater New Orleans Foundation's Environmental Fund and Teaching Responsible Earth Education (T.R.E.E.) Project**

**11:30 A.M.-12:45 P.M.**

**Public Duties-Private Right: The Role of the Public Trust Doctrine in Modern Water Stewardship**

As water resources become scarcer due to factors such as population growth and climate change, the effective management of remaining resources is becoming increasingly critical. Amid the competition and bids for access to water resources is the continually evolving public trust doctrine, a legal doctrine that preserves specific water resources for a variety of public uses (including drinking water and ecological diversity). The evolution of this doctrine at both the state and federal level has left open the question of how the preservation of water for public use will impact and be incorporated in modern stewardship of water resources. The intersection of modern water stewardship and the public trust doctrine will ultimately determine who has access to water and where, an allocation that will ultimately shape our society.

**Robin Kundis Craig, J.D.** - *Professor of Law, Florida State University College of Law, Tallahassee, Florida*

**Joseph Sax, J.D.** - *Professor of Law, University of California Berkeley Boalt Hall School of Law, Berkeley, California*

**Ryan Seidemann, J.D.** - *Assistant Attorney General, Louisiana Attorney General's Office, Baton Rouge, Louisiana*

**Jim Wilkins, J.D.**, *Director, Louisiana Sea Grant Legal Program, Baton Rouge, Louisiana (Moderator)*

**1:00-2:00 P.M.**

**Green Luncheon:** Multi-purpose Room, Weinmann Hall, Tulane University Law School

**2:00-3:15 P.M.**

**Fit to Drink: Protecting our Water Supply**

Efforts to ensure the safety of our drinking water have been under way for generations but recent studies and reports suggest that

not only is there work still to be done but that new and potentially significant pollutants are being found in the water coming from our taps. . This panel will explore the emerging contaminants that threaten our water supply and the legal challenges that both seasoned lawyers and community activists confront in their quest to ensure safe and clean water for all Louisianians.

**Mike Tritico**-*Biologist and Environmental Activist, Longville, Louisiana*

**Cheryl Slavant**-*Riverkeeper, Ouachita Riverkeepers, Monroe, Louisiana*

**Jeff Dauzat**- *Louisiana Department of Environmental Quality, Baton Rouge, Louisiana (invited)*

**Anne Yoachim, M.P.H.**- *Tulane Institute on Water Resources Law and Policy (Moderator)*

### **Beyond Plans and Dreams: Finding the Funds to Save Coastal Louisiana**

Every year Louisiana loses over nearly 25 square miles of coastal marshland. While the importance of restoring coastal Louisiana has been acknowledged and various solutions have been proposed, questions about how to adequately fund this massive undertaking loom unresolved. Panelists will discuss the realities of paying for the restoration of Louisiana's precious marshland.

**Paul Harrison, J.D.**- *Senior Director for Mississippi River and East Coast, Center for Rivers and Deltas, Environmental Defense Fund, Washington, D.C.*

**Garret Graves**- *Office of Coastal Protection and Restoration, New Orleans, Louisiana*

**Steve Stockton**- *Director of Civil Works, U.S. Army Corps of Engineers, Washington, D.C.*

**Karen Gautreaux**- *Nature Conservancy of Louisiana, Baton Rouge, Louisiana (Moderator)*

### **3:30-4:45 P.M.**

#### **Stump the Chumps**

This panel will give attendees the opportunity to ask selected panelists a question that may "stump" the experts.

Given the extensive knowledge our panelists possess, this should prove to be quite the challenge!

### **5:00-6:00 P.M.**

**Cocktail Reception:** Multi-purpose Room, Weinmann Hall, Tulane University Law School

### **6:00-7:15 P.M.**

**Keynote Address: Al Armendariz, Ph.D.**- Regional Administrator, Environmental Protection Agency Region 6, Dallas Texas

\_\_\_\_\_ **Sunday, April 11** \_\_\_\_\_

### **10:00 A.M.-3:00 P.M.**

#### **Field Trip to Turtle Cove Research Station and Wetlands, Manchac, LA.**

*Sponsored by Southeastern Louisiana University*

Get out in the wetlands with this fascinating and informative field trip led by Professor Robert Moreau of Southeastern Louisiana University. **Slots Limited.**

#### **New Orleans Toxic Tour**

The tour will focus on New Orleans' toxic waste system and the dump-sites that litter the metro. Participants will learn about the serious environmental and health problems that arise from toxic waste in the New Orleans metro area and the impacts of dump sites on low-income communities. This trip will be led by Andy Jacoby, Tulane alumnus. **Slots Limited.**

## Registration Information

**Attendance at the Bound by Water summit is limited to registered participants. You may register online, by fax, or by mail.**

**Online:** Online registration will be available through Tulane's Continuing Legal Education office until Tuesday, April 6, 2010.

Register here:

<http://www.peopleware.net/index.cfm?siteId=107&eventDisp=10SVENV>

**Fax:** (504) 866-1583

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

**On Site Check in:** Check in will open on site on Friday, April 9, 2010 at 8:00 a.m.

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

**Cancellation and Refunds:** There will be no registration refunds and/or cancellation refunds at any time. However, a cancellation can be transferred from one member of an organization, firm or company to another member of the same organization, firm or company until Tuesday, April 6, 2010. All substitutions/transfers must be submitted in writing either by fax at (504) 866-1583 or by email at [patsmith@tulane.edu](mailto:patsmith@tulane.edu). All substitutions/transfers must be received in the CLE office no later than 5 pm on April 6, 2010.

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

### **Registration Fees:**

- \$0 Tulane Faculty, Staff, Students, Speakers
- \$5 Non-Tulane Students
- \$250 Attorney seeking CLE credit
- \$100 **Full Registration**—General Public
- \$50 **One Day**—General Public
- \$50 **Full Registration**—Judges, Government, Paralegals, Tulane Alumni, Non-Tulane Academic, Faculty, Staff, Non-Profits
- \$25 **One Day**--Judges, Government, Paralegals, Tulane Alumni, Non-Tulane Academic, Faculty, Staff, Non-Profits
- \$0 Sunday Outings
- \$10 Additional copies of course material on CD

## REGISTRATION FORM

**15<sup>TH</sup> ANNUAL TULANE LAW SCHOOL SUMMIT ON ENVIRONMENTAL LAW & POLICY**

**APRIL 9-10, 2010**

**PLEASE REGISTER ME FOR THE SUMMIT AT THE FOLLOWING RATE:**

**Attorneys (Seeking CLE Credit):**

\$250: Full Registration

**General Public:**

\$100: Full Registration  
 \$50: One-Day Registration

**Judges, Government, Paralegals, Tulane-Alumni,  
Non-Tulane- Academic, Faculty, Staff, Non-Profits:**

\$50: Full Registration  
 \$25: One-Day Registration

**Non-Tulane Student Attendees:**

\$5: Full Registration

**Additional CD Copies of Course Material:**

\$10: Per CD

**\*PLEASE INDICATE WHETHER OR NOT YOU WILL ATTEND EITHER OF THE SUNDAY OUTINGS:**

Turtle Cove Field Trip: Y /N

NOLA Toxic Tour: Y /N

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CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

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