

KARL S. COPLAN

Pace Environmental Litigation Clinic, Inc.

78 North Broadway

White Plains, N.Y. 10603

(914) 422-4343

PACE UNIVERSITY SCHOOL OF LAW, White Plains, N.Y.

Professor (2009-), Associate Professor (1994-2009) and Co-Director, Pace Environmental Litigation Clinic, September, 1994 to present.

Co-directing and teaching active environmental litigation clinic, including supervision of ten student interns per term; administration of clinic; management of docket consisting of over 30 Clean Water Act, Resource Conservation and Recovery Act, State Environmental Quality Review Act, land-use, and other environmental cases; conduct of environmental trial advocacy and pretrial process seminar; teaching academic courses in Clean Water Act, environmental law skills, environmental law survey, and constitutional law.

BERLE, KASS & CASE, Attorneys, New York City

Member, January, 1992 through August, 1994;
Associate, September, 1986 - December 1991

Practice included environmental and land-use law and civil litigation; administrative proceedings; all phases of litigation from complaint through discovery, motions, trials, and appeals.

JUDICIAL CLERKSHIPS:

The Honorable Warren E. Burger, Chief Justice
of the United States, October Term 1985

The Honorable Leonard I. Garth, Circuit
Judge, United States Court of Appeals for
the Third Circuit, 1984-1985

EDUCATION:

Columbia University School of Law, New York City
J.D. Awarded May, 1984
Writing and Research Editor, Columbia Law
Review
Class of 1912 Prize in Contract Law (1982)
Kent Scholar (1983, 1984); Stone Scholar
(1982)

Middlebury College
Middlebury, Vermont
B.A. (cum laude), English (high honors),
March, 1980
Cumulative G.P.A. 3.45

BAR ADMISSIONS:

Admitted New York; Supreme Court of the United States;
United States Courts of Appeals, Second Circuit, Third Circuit and
District of Columbia Circuit; U.S. District
Courts, S.D.N.Y., E.D.N.Y., N.D.N.Y.

PUBLICATIONS:

Citizen Litigants Citizen Regulators: Four Cases Where Citizen Suits Drove
Development of Clean Water Law, 25 Colorado Natural Resources, Energy &
Environmental Law Review 61 (2014)

Climate Change, Political Truth, and the Marketplace of Ideas, 2012 Utah
Law Review 545

Legal Realism, Innate Morality, and the Structural Role of the Supreme Court
in the U.S. Constitutional Democracy, 86 Tulane Law Review 181 (2011)

American Bar Association, *Constitutional Issues in Environmental Law*,
chapter on Takings Law (James May, Editor 2011)

Public Trust Limits on Greenhouse Gas Trading Schemes: A Sustainable
Middle Ground? 35 Colum. J. Env't'l L. 287 (2010) (Winner of the 2011
Goettel Prize for legal scholarship).

American Bar Association, *Environmental Litigation, Law and Strategy*, chapter on Citizen Suit Litigation (Cary Perlman, Editor, 2009)

“Ideological Plaintiffs, Administrative Lawmaking, Standing, and the Petition Clause,” 61 Me. L. Rev. 377 (2009)

Petition Clause Interests Support Expanded Standing for Judicial Review of Administrative Lawmaking, 34 *ABA Administrative Law News* 3 (Spring 2009)

“The Externalities of Nuclear Power: First, Assume We Have a Can Opener . . .,” 35 *Ecology Law Currents* 17 (2008).

“The Intercivilizational Inequities of Nuclear Power Weighed Against the Intergenerational Impacts of Carbon Based Energy,” 27 *Fordham Environmental Law Review* 227 (2006)

“Is Voting Necessary? Organizational Standing and Non-Voting Members of Environmental Advocacy Organizations,” 14 *Southeastern Environmental Law Journal* 1 (2005)

“Of Zombie Permits and Greenwash Permit Strategies: How New York’s ‘Environmental Benefit Permitting Strategy’ Violates the Clean Water Act and Shortchanges Public Participation,” 22 *Pace Environmental Law Review* 1 (2005)

“Is Citizen Suit Notice Jurisdictional and Why Does It Matter?” 10 *Widener Law Review* 49 (2003)

“Direct Environmental Standing for Chartered Conservation Corporations,” 12 *Duke Environmental Law and Policy Forum* 183 (2000)

Environmental Law Practice Guide, Chapter 12A “Citizen Suits,” Matthew Bender (M. Gerrard, Ed.) 1998

“Refracting the Spectrum of Clean Water Act Standing in Light of Lujan v. Defenders of Wildlife,” 22 *Columbia Journal of Environmental Law* 169 (1997)

State DOT Issues Proposed Regulations For Employee Commute Options, *Environmental Law in New York* (Matthew Bender), February 1994, at 17

Local Law Office Requirements Should Be Abolished (Report of the

Committee on Professional Responsibility), The Record of the Association of the Bar of the City of New York, April 1993, at 312

Balancing the Duty to Investigate Litigation Claims against the Ban on Communicating with an Adverse "Corporate" Party After Niesig (Report of the Committee on Professional Responsibility), The Record of the Association of the Bar of the City of New York, May 1992, at 406

Protecting Minority Communities with Environmental, Civil Rights Claims, New York Law Journal, Aug. 20, 1991, p.1, col. 1

Note, Rethinking Selective Enforcement in the First Amendment Context, 84 Colum. L. Rev. 144 (1984)

Note, Protecting the Public Fisc: Fighting Accrual Abuse with Section 446 Discretion, 83 Colum. L. Rev. 378 (1983)

PANELS AND SPEAKING ENGAGEMENTS

Scheduled Panelist, Conference on the 40th Anniversary of the Clean Water Act, George Washington University, Panel on Enforcement, Washington, D.C., March 2012.

Presenter, Vermont Law School Colloquium on Environmental Scholarship, Panel on Climate, South Royalton, VT, September 2011.

Panelist, Waterkeeper Alliance Annual Conference, Chicago, IL, June 2011, panel on Clean Water Act Basics.

Panelist, Middlebury College Conference on Political Philosophy and the Constitution, Panel on the Role of Courts in Constitutional Democracy, October 2010.

New York State Bar Association Environmental Law Section Annual Meeting, October, 2010, Lecture on introduction Clean Water Act Basics.

Panelist, Waterkeeper Alliance Annual Conference, La Paz, Mexico, June 2010, panel on Clean Water Act Basics.

Panelist, ABA Section on Environment, Energy, and Resources, Sessions on Environmental Litigation Basics, Baltimore, September 2009.

Panelist, Waterkeeper Alliance Annual Conference, New York, NY, June 2009, panel on Clean Water Act Basics.

Panelist, Waterkeeper Alliance Annual Conference, Seattle, WA, June 2008, panels on Interbasin Water Transfers and Maintaining Representational Standing.

Lecturer, RiverSummer Hudson River Educational Program, July, 2007.

Panelist, Waterkeeper Alliance Annual Conference, New Orleans, LA, June 2007, panels on Interbasin Water Transfers and Working with Environmental Litigation Clinics.

Panelist, International Union for the Conservation of Nature Annual Conference, Pace Law School, October, 2006 (Panel on Access to Courts).

Panelist, Rebellious Lawyers Conference, Yale Law School, Panel on Environmental Standing, February 25, 2006.

Panelist, Public Interest Environmental Law Conference, Portland Oregon, Panel on Environmental Organizational Standing, Panels on Clean Water Act and Panel on Organizational Standing, March 2006.

Panelist, Fordham Environmental Law Review Symposium on Climate Change, panel on Carbon Trading and Nuclear Power, March, 2006.

Panelist, National Association of Environmental Law Societies annual conference, Panel on the Future of Environmental Law Clinics, March, 2005.

Lecturer, New York County Lawyers Association, Course on Issues in Community Representation, Lecture on Environmental Citizen Suits, December 13, 2004.

Panelist, Eastern Water Law Annual Conference, Hollywood, Florida, Panel on Interbasin Water Transfers, May, 2004.

Panelist, Vermont Law School Solutions Conference, panel on law school environmental clinics, April 2004.

Panelist, Beyond Pesticides Annual Meeting, panels on Litigation Strategies and West Nile Virus, April 2004.

Panelist, Widener Law School Conference on Citizen Suits at Thirty-Something, April, 2003.

Panelist, Association of the Bar of the City of New York Conference on the Thirtieth Anniversary of the Clean Water Act, March 2003.

Panelist, Association of the Bar of the City of New York Conference on the Thirtieth Anniversary of the Clean Water Act, March 2003.

Panelist, Environmental Clinic Directors' Annual Meeting, San Francisco, CA, January 2001, "Internet Resource Sharing for Environmental Clinics."

Speaker, Conference on the Cleanup of the Hastings Waterfront, Sponsored by Hastings Waterfront Watch, April 17, 1999.

Panelist, National Association of Riverkeepers, Soundkeepers, and Baykeepers Annual Meeting, Southampton, New York, June 18, 1999.

Environmental Clinic Directors' Workshop, Georgetown University, Washington, D.C., Panelist the Litigation Model for Environmental Clinics, January 8, 2000.

Panelist, Duke Environmental Law and Policy Forum Conference "Beyond Lujan: Citizen Suits and Standing Doctrine in the 21st Century," Chapel Hill, N.C., March 2-3, 2000.

Panelist, Southeast Public Interest Environmental Conference, University of Florida, March 25, 2000.

Panelist, ABA Annual Meeting, Section on Business Law, "Environmental Enforcement in the 21st Century," New York City, N.Y., July 10, 2000.

Faculty, ALI-ABA Environmental Litigation Course, Boulder, Colorado, June, 1996.

Panelist, New York State Bar Association Environmental Law Section Annual Meeting, "Private Environmental Remedies," January 24, 1997

Speaker, Hudson River Sloop Clearwater's 1996 Earth Day Sail.

Speaker, Conference with Environmental Ministers from the Peoples Republic of China, Pace Law School, July 1, 1996.

Panelist, Water Environmental Association CSO
Abatement Conference, Environmental Perspective Panel, January, 1996.

Moderator, Association of the Bar of The City Of New York Conference on 25
Years of Environmental Protection; Panel on The Next 25 Years, January, 1996.

Speaker, American Garden Clubs Regional Conservation Meeting, Lenox, Mass.,
May 1995, topic: The Clean Water Act Amendments Proposed by the U.S. House
of Representatives.

Speaker, West Point Environmental Studies Hudson River Cruise, May, 1995.

BOARD MEMBERSHIPS

Waterkeeper Alliance (2000-present, Board Chair 2009-)

Hudson River Sloop Clearwater (1997-2004)

Nyack Boat Club (1994 – 2004; CFO 1999-2002; Commodore 2003-2004)

Van Houten Fields Association (1992-2005)