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Symposium: The Next Generation of Environmental and Natural Resources Law: What Has Changed in Forty Years and What Needs to Change as a Result

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SYMPOSIUM:
THE NEXT GENERATION OF ENVIRONMENTAL AND NATURAL RESOURCES LAW: WHAT HAS CHANGED IN FORTY YEARS AND WHAT NEEDS TO CHANGE AS A RESULT

INTRODUCTION

Kalyani Robbins*

It might seem strange to begin the introduction to what was and is an amazing symposium, comprised of scholars both brilliant and charming, by reference to a completely unrelated event, but this is what I am about to do. Bear with me. A few months before the conference that brought together the intriguing authors for this issue, several colleagues and I were involved in planning and presenting an AALS mid-year workshop entitled Generations of Environmental Law. The goal of this workshop was to bring together Environmental and Natural Resources Law teachers and scholars of varying seniority to see what we might learn from one another and how coming together might boost hopes for the future of our field.

In preparation for this event, I hired a research assistant, a then-3L named Sean Duggan, who did an astonishingly impressive job of tracking down every last colleague in our field and surveying them all for data on their experience and expertise. The most unwieldy portion of all this data—because it could not fit nicely into our spreadsheet—was the hundreds of responses we received to the questions Sean asked about what we could do to improve networking, mentoring, and information-sharing in our field. Thankfully, Sean took it upon himself to group the responses by topic, making it quite clear what the major themes were.

So where am I going with this? The most common suggestion was

* Associate Professor, University of Akron School of Law. Professor Robbins was able organize this symposium thanks to the generous financial support of the law school, and is very grateful to Dean Marty Belsky for believing it was worth it.
that we need to get together far more often to share our scholarship and
get to know each other and not just at highly specialized conferences,
but more broadly as the wonderful and diverse family that we are
(something I have quickly come to love about Environmental and
Natural Resources law professors). Our biennial gathering set in
breathtaking western landscapes and the annual AALS field trip are
wonderful, but just not enough. Also, we need to talk more about the
big picture: where we came from and where we are going. And, a solid
and relatively young set of voices chanted, “Invite more untenured
professors to speak at conferences.”

The outstanding collection of works you are about to read was thus
not my idea—it was all of yours. You, the readers of these articles,
many of whom will likely recall being pestered by Sean in the spring of
2012. You inspired the fall 2012 conference and this resulting
symposium edition of the Akron Law Review. You told us what you
wanted to see more of, and in turn we hosted at Akron what I hope will
be just one of many such events: events that take a bigger-picture look at
the state of our broader field, events that promise at least one slot per
panel to an untenured professor (which forced us to turn down some
distinguished scholars responding to our call for papers), events that
seek to bring in colleagues who are not presenting to converse with those
who are, events with field trips on boats. It was wonderful and well
worth the time it took to make it happen.

Contributors to this symposium were invited to address a broad
issue during a period of great flux in the relationship between human
beings and the environment. Most U.S. statutes addressing problems
relating to natural resources and the environment were drafted
approximately forty years ago. In addition to whatever imperfections
these statutes may have had at the time, we now have four decades of
change—changing technology, changing environmental harms and
consequences, changing culture and global relationships. It seemed time
to take stock of what we have, amendments and all, and consider
whether we need to make more significant changes, not only to existing
laws, regulations, and agency policies, but to fill some of the large gaps
that have become more apparent over these decades. We invited
proposals based on what has changed over the years and received a
thoughtful, creative, and diverse set of ideas.

After a field trip that took us to The University of Akron’s award-
winning educational wetland preserve, then on a guided tour through
public parkland in the area to discuss the ecosystem and water issues,
and finally (after pausing for boxed lunches on the banks of Lake Erie)
on a boat trip up the Cuyahoga River to visit the site of the fire that started it all, we spent our second day hunkered down at the law school to discuss these diverse ideas. The company was enviable; a fascinating group of thinkers was present. The subject matter, as you will see when reading this issue, ranged from adaptive management to cyborgs. We were fortunate enough to convince Rebecca Bratspies, Federico Cheever, and John Copeland Nagle to join us as panel moderators, and others came from around the country to join in the discussion, even if not presenting.

The result of all this is before you. Nine excellent perspectives on how things are changing for our field. A collection of thoughts on this new wave, all firmly grounded in learning from our experiences and transitions thus far. I am so grateful to all of the authors, as well as the Akron Law Review editors who worked so diligently on this issue: Angela Cox, Tiffany Porter, and Tonya Rogers, with the assistance of Alex Armitage, Ben Balden, Heather Burns, Erin Kansy, Alexander Johnson, Christopher Meta, and Brandon Trent. I am also, once again, grateful to all of you—you fellow scholars of Environmental and Natural Resources Law—for speaking with my research assistant and telling him what was needed. Consider this symposium one small step in response, and let us hope and plan for many more such steps. These discussions, and our shared concern for the issues that will impact the planet for centuries to come, are so valuable.