

ALEXANDRA B. KLASS

Distinguished McKnight University Professor

University of Minnesota Law School

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Employment

University of Minnesota Law School, Minneapolis, MN

Distinguished McKnight University Professor (2015-present); Professor of Law (2010-present); Julius E. Davis Professor of Law (2012-2013); Associate Dean for Academic Affairs (2010-2012); Solly Robins Distinguished Research Fellow (2010-2012); Associate Professor of Law (with tenure) (2008-2010); Associate Professor of Law (2006-2008)

Courses Taught: Energy Law, Natural Resources Law, Torts, Property, Environmental Law, Environmental Law Capstone Course: Brownfields Redevelopment and Litigation, Law in Practice (1L course)

Committee Work and University Service: All-University Promotion and Tenure Committee (2015-present); Regents Professor Selection Committee (2015-present); Adjunct Affairs Committee (chair) (2013-present); UMore Park Academic Mission Advisory Board (2011-2013); University-wide Sustainability Committee (2010-2012); Self-Study and Strategic Planning Committee (2008-2011); Admissions Committee (2008-2009); Education Policy Committee (2007-2008); Entry-Level Appointments Committee (2006-2007, 2009-2010); Faculty Works-in-Progress Committee (2006-2008)

Awards: Distinguished McKnight University Professor (2015-present); Stanley V. Kinyon Teacher of the Year (2009-2010); Julius E. Davis Chair (2012-2013); Solly Robins Distinguished Research Fellow (2010-2012)

Harvard Law School, Cambridge, MA

Visiting Professor of Law, Fall 2015

University of Minnesota Institute on the Environment

Resident Fellow (2010-present)

William Mitchell College of Law, St. Paul, MN

Associate Professor, 2004-2006

Dorsey & Whitney LLP, Minneapolis, MN

Partner, 2000-2004; Associate, 1993-99. Represented clients in all aspects of environmental law and land use matters including contaminated property, zoning, wetlands, eminent domain, environmental review, and property redevelopment, as well as more general commercial matters; significant trial and appellate experience; regularly represented pro bono clients in housing court; member of the firm's Recruiting Committee for six years and responsible for the firm's Summer Associate program for two years

City of Minneapolis, City Attorney's Office

Special Assistant City Attorney, August-November 1995. Obtained guilty verdicts in three criminal jury trials

United States District Court for the Western District of Wisconsin

Law Clerk to the Hon. Barbara B. Crabb, Chief District Judge, 1992-1993

Education

University of Wisconsin Law School, Madison, WI

J.D., 1992, *cum laude*

Order of the Coif

Articles Editor, *Wisconsin Law Review*, 1991-1992

American Jurisprudence Award in Administrative Law and Constitutional Law

University of Michigan, Ann Arbor, MI

B.A., 1988, with distinction

Concentrations in Political Science and French

Varsity Gymnastics Team, Athletic Scholarship Recipient

Books and Book Chapters

ENERGY LAW AND POLICY (West Academic Publishing 2015) (with Lincoln Davies, Hari Osofsky, Joseph Tomain, and Elizabeth Wilson)

THE PRACTICE AND POLICY OF ENVIRONMENTAL LAW (Foundation Press, 3rd ed. 2014) (with J.B. Ruhl, John Nagle, and James Salzman)

State and Municipal Energy Efficiency Laws, in THE LAW OF CLEAN ENERGY (Michael B. Gerrard, ed., Section of Environment, Energy, and Resources, American Bar Association, 2011) (with John K. Harting)

The Growing Influence of Tort and Property Law on Natural Resources Law: Case Studies of Coalbed Methane Development and Geologic Carbon Sequestration, in EVOLUTION OF NATURAL RESOURCES LAW AND POLICY (Lawrence J. MacDonnell & Sarah F. Bates, eds., Section of Environment, Energy, and Resources, American Bar Association, 2009)

Selected Articles

Remaking Energy: The Critical Role of Energy Consumption Data, CAL. L. REV. (forthcoming 2016) (with Elizabeth Wilson)

Revitalizing Dormant Commerce Clause Review for Interstate Coordination, MINN. L. REV. (forthcoming 2015) (with Jim Rossi)

Transporting Oil and Gas: U.S. Infrastructure Challenges, 100 IOWA L. REV. 947 (2015) (with Danielle Meinhardt)

The Electric Grid at a Crossroads: A Regional Approach to Siting Transmission Lines, 48 U.C. DAVIS L. REV. 1895 (2015)

The Public Trust Doctrine in the Shadow of State Environmental Rights Laws: A Case Study, 45 ENVTL. L. 431 (2015) (symposium essay)

Energy Consumption Data: The Key to Improved Energy Efficiency, 6 SAN DIEGO J. OF CLIMATE & ENERGY L. 69 (2015) (symposium essay) (with Elizabeth Wilson)

Fracking and the Public Trust Doctrine, 93 TEXAS L. REV. SEE ALSO 29 (2015) (invited response essay)

The Personhood Rationale and its Impact on the Durability of Private Claims to Public Property, 103 GEO. L.J. ONLINE 41 (2014) (invited response essay)

Energy Policy, Extraterritoriality, and the Commerce Clause, 5 SAN DIEGO J. OF CLIMATE & ENERGY LAW 127 (2014) (with Elizabeth Henley) (symposium essay)

Tax Benefits, Property Rights, and Mandates: Considering the Future of Government Support for Renewable Energy, 20 J. OF ENVTL. & SUSTAINABILITY L. 19 (2013) (symposium essay)

Climate Change and the Convergence of Environmental and Energy Law, 24 FORDHAM ENVTL. L. REV. 180 (2013) (symposium essay)

Takings and Transmission, 91 N.C. L. REV. 1079 (2013)

Interstate Transmission Challenges for Renewable Energy: A Federalism Mismatch, 65 VANDERBILT L. REV. 1801 (2012) (with Elizabeth Wilson) (awarded honorable mention distinction in the seventh annual ENVIRONMENTAL LAW AND POLICY ANNUAL REVIEW (ELPAR) published jointly by Vanderbilt University Law School and the Environmental Law Institute)

CERCLA, State Law, and Federalism in the 21st Century, 41 SOUTHWESTERN L. REV. 679 (2012) (symposium essay)

Energy and Animals: A History of Conflict, 3 SAN DIEGO J. OF CLIMATE & ENERGY LAW 159 (2012) (symposium essay)

Renewable Energy and the Public Trust Doctrine, 45 U.C. DAVIS L. REV. 1021 (2012)

Property Rights on the New Frontier: Climate Change, Natural Resource Development, and Renewable Energy, 38 ECOLOGY L.Q. 63 (2011)

State Standards for Nationwide Products Revisited: Federalism, Green Building Codes, and Appliance Efficiency Standards, 34 HARV. ENVTL. L. REV. 335 (2010)

Climate Change, Carbon Sequestration, and Property Rights, 2010 U. ILL. L. REV. 363 (2010) (with Elizabeth J. Wilson) (reprinted in 42 LAND USE AND ENV. L. REV. (2011) as one of the 10 best land use and environmental law articles in 2010)

Punitive Damages after Exxon Shipping Company v. Baker: The Quest for Predictability and the Role of Juries, 7 U. ST. THOMAS L.J. (2009) (symposium essay)

Carbon Capture and Sequestration: Identifying and Managing Risks, in *BALANCING THE RISKS: MANAGING TECHNOLOGY AND DANGEROUS CLIMATE CHANGE* (Berkeley Electronic Press, Issues in Legal Scholarship 2009) (with Elizabeth J. Wilson), at <http://www.bepress.com/ils/vol8/iss3/art1/> (symposium essay)

Climate Change and Reassessing the "Right" Level of Government: A Response to Bronin, 93 MINN. L. REV. HEADNOTES 15 (2009), at <http://journal.law.umn.edu/content/climate-change-and-reassessing-right-level-government> (invited response essay)

Tort Experiments in the Laboratories of Democracy, 50 WM. & MARY L. REV. 1501 (2009)

Carbon Sequestration and Sustainability, 44 TULSA L. REV. 235 (2008) (with Sara E. Bergan) (symposium essay)

Climate Change and Carbon Sequestration: Assessing a Liability Regime for Long-term Storage of Carbon Dioxide, 58 EMORY L.J. 103 (2008) (with Elizabeth J. Wilson)

State Innovation and Preemption: Lessons from State Climate Change Efforts, 42 LOY. L.A. L. REV. 1563 (2008)

The Frontier of Eminent Domain, 79 U. COLO. L. REV. 651 (2008) (reprinted in 40 LAND USE AND ENV. L. REV. (2009) as one of the 11 best land use and environmental law articles in 2008)

Punitive Damages and Valuing Harm, 92 MINN. L. REV. 83 (2007)

Common Law and Federalism in the Age of the Regulatory State, 92 IOWA L. REV. 545 (2007)

Modern Public Trust Principles: Recognizing Rights and Integrating Standards, 82 NOTRE DAME L. REV. 699 (2006)

Adverse Possession and Conservation: Expanding Traditional Notions of Use and Possession, 77 U. COLO. L. REV. 283 (2006)

Pesticides, Children's Health Policy, and Common Law Tort Claims, 7 MINN. J. LAW, SCIENCE & TECH. 89 (2005)

Bees, Trees, Preemption and Nuisance: Resolving Pesticide Land Use Disputes through FIFRA, 32 ECOLOGY L.Q. 763 (2005)

From Reservoirs to Remediation: The Impact of CERCLA on Common Law Strict Liability Environmental Claims, 39 WAKE FOREST L. REV. 903 (2004) (cited in *Atlantic Research Corp. v. United States*, 459 F.3d 827 (8th Cir. 2006), *aff'd*, 127 S. Ct. 2331 (2007); RESTATEMENT (THIRD) OF TORTS; LIABILITY FOR PHYSICAL AND EMOTIONAL HARM § 20 (2010))

The Expansion of Punitive Damages in Minnesota: Environmental Litigation after Jensen v. Walsh, 30 WM. MITCHELL L. REV. 177 (2003)

Selected Seminars and Presentations

"*Kelo's* Antecedents and Applications in Natural Resources and Energy Law," Association of Law, Property and Society, University of Georgia, May 2015

"The Public Trust Doctrine in the Shadow of State Environmental Rights Laws: A Case Study," Developments in the Public Trust Symposium, Lewis & Clark Law School, April 2015

"ISO Governance and Processes," 78th Plenary Session, Harvard Electricity Policy Group, Half Moon Bay, CA, March 2015

"*Kelo's* Antecedents and Applications in Natural Resources and Energy Law," Nelson Symposium, University of Florida Levin College of Law, February 2015

"*Kelo's* Antecedents and Applications in Natural Resources and Energy Law," AALS Annual Meeting, Hot Topics Panel on "Public use Since *Kelo*", Washington, D.C., January 2015

"The Electric Grid at a Crossroads: A Regional Approach to Siting Transmission Lines," Third Annual Searle Center Conference on Energy Regulation, Northwestern University School of Law, November 2014

"Energy Consumption Data: The Key to Improved Energy Efficiency," University of San Diego School of Law, 6th Annual Climate and Energy Law Symposium, November 2014

"The Electric Grid at a Crossroads: A Regional Approach to Siting Transmission Lines," University of Calgary Faculty of Law, Calgary, Alberta, October 2014

"The Electric Grid at a Crossroads: A Regional Approach to Siting Transmission Lines," Energy Policy Institute, 4th Annual Energy Policy Research Conference, San Francisco, September 2014

"Transporting Energy: U.S. Infrastructure Challenges," Regulatory Takings Conference 2014, UC Davis Law School, September 2014 (presentation to special meeting at the conference of U.S. Department of Justice and state government lawyers specializing in takings litigation)

"Transporting Energy: U.S. Infrastructure Challenges," Austin Electricity Conference, Austin, Texas, April 2014

"Transporting Energy: U.S. Infrastructure Challenges," Conference on "Environmental Law Without Congress," Florida State University School of Law, February 2014

"Transporting Oil and Gas: U.S. Infrastructure Challenges," Takings Conference 2013, New York University School of Law, November 2013

"Takings and Transmission," Second Annual Searle Conference on Federalism and Energy in the United States, Northwestern University Law School, November 2013

"Energy Policy, Extraterritoriality, and the Commerce Clause," Fifth Annual Climate and Energy Law Symposium, University of San Diego School of Law, November 2013

"Transporting Energy: U.S. Infrastructure Challenges," Wake Forest University School of Law, October 2013

"Pesticides and Product Liability: Risk Assessment and the Common Law," Environmental Law and Public Health Conference, University of Michigan Law School, September 2013

"Takings and Transmission," Energy Law and Policy Institute, University of Pittsburgh School of Law, August 2013

"Addressing the Differing Regional Impacts of Unconventional Oil and Gas Development in Natural Resources Law and Other Courses," Rocky Mountain Mineral Law Foundation Law Teachers Conference, Flagstaff, Arizona, May 2013

"Takings and Transmission," Association of Law, Property, and Society, 4th Annual Meeting, University of Minnesota Law School, April 2013

"Tax Benefits, Property Rights, and Mandates: Considering the Future of Government Support for Renewable Energy," Conference on Legal and Policy Pathways for Energy Innovation, University of Minnesota Law School, April 2013

"Interstate Transmission Challenges for Renewable Energy: A Federalism Mismatch," 2013 Austin Electricity Conference, University of Texas at Austin McCombs School of Business, April 2013

"Interstate Transmission Challenges for Renewable Energy: A Federalism Mismatch, 2013 J.B. and Maurice C. Shapiro Conference, "Laying the Foundation for a Sustainable Energy Future: Legal and Policy Challenges," George Washington University Law School, April 2013

"Tax Benefits, Property Rights, and Mandates: Considering the Future of Government Support for Renewable Energy," Symposium on "Promoting Sustainable Energy through Tax Policy," University of Missouri School of Law, April 2013

"Federalism Challenges for Renewable Energy," University of Arizona James E. Rogers College of Law, February 2013

"Takings and Transmission," UCLA School of Law, February 2013

"Federalism Challenges for Renewable Energy," Duke University Nicholas School of the Environment, January 2013

"Takings and Transmission," Saint Louis University School of Law, November 2012

"Takings and Transmission," University of Minnesota Law School, September 2012

"Interstate Transmission Challenges for Renewable Energy: A Federalism Mismatch," Western Energy Policy Research Conference, Boise, Idaho, August 2012

"Interstate Transmission Challenges for Renewable Energy: A Federalism Mismatch," Searle Center Conference on Federalism and Energy in the United States, Northwestern University Law School, March 2012

"Transmission Challenges for Renewable Energy: A Federalism Mismatch," Supply and Demand: Barriers to a New Energy Future, Vanderbilt Law Review Symposium, February 2012

"Interstate Transmission Challenges for Renewable Energy: A Federalism Mismatch," Electric Power in a Carbon Constrained World, Stegner Center, University of Utah College of Law, February 2012

"The Public Trust Doctrine and Renewable Energy," UC Hasting Law School, January 2012

"Takings and Transmission," 14th Annual Conference on Litigating Takings Challenges to Land Use and Environmental Regulations, Vermont Law School and Georgetown University Law Center, Washington, D.C., November 2011

"CERCLA, State Law, and Federalism in the 21st Century," Symposium on CERCLA and the future of Liability-Based Environmental Regulation, Southwestern Law School, November 2011

"Renewable Energy and the Public Trust Doctrine," Rocky Mountain Mineral Law Foundation, 15th Institute for Natural Resources Law Teachers, Portland, Oregon

"Energy and Animals: A History of Conflict," Annual Climate and Energy Law Symposium, University of San Diego School of Law, April 2011

"Renewable Energy and the Public Trust Doctrine," Symposium on "The Public Trust Doctrine 30 Years Later," UC Davis Law School, March 2011

Moderator, "Climate Change Issues for 2011," Panel on Legal and Practical Implications, William Mitchell College of Law, February 2011

"Property Rights on the New Frontier: Climate Change, Natural Resources Development, and Renewable Energy," Institute on the Environment, University of Minnesota, October 2010

"Property Rights on the New Frontier: Climate Change, Natural Resources Development, and Renewable Energy," Energy and Environment Workshop, Stanford Law School, October 2010

"Property Rights on the New Frontier: Climate Change, Natural Resources Development, and Renewable Energy," Climate Change Law and Policy Workshop hosted by Duke University School of Law and University of Colorado Law School, August 2010

"Property Rights on the New Frontier: Climate Change, Natural Resource Development, and Renewable Energy," American Association of Law Schools (AALS) Mid-Year Conference on Property, New York, NY, June 2010

"Hot Topics in Environmental Litigation," Minnesota Environmental Institute, Minneapolis, April 2010

"Property Rights in Subsurface Pore Space," U.S. Interagency Task Force on Carbon Capture and Storage (Task Force created by Presidential Memorandum to create a comprehensive federal strategy to implement CCS), April 2010

"Climate Change, Carbon Sequestration, and Property Rights," Symposium: The Intersection of Renewable Energy Development and Geoengineering, Washington & Lee Law School, March 2010

"Climate Change, Carbon Sequestration, and Property Rights," Association for Law, Property and Society Annual Meeting, Georgetown Law Center, March 2010

"Restoring the Trust: Water Resources and the Public Trust Doctrine," University of Florida Law School Sixteenth Annual Public Interest Environmental Law Conference, February 2010

Moderator, "Federal Preemption of State and Local Environmental Initiatives: The Latest Battles," ABA Section of Environment, Energy, and Resources, December 2009

Moderator, "The Role of Nuclear Energy in a Low Carbon Future: Should Minnesota Repeal the Nuclear Moratorium?" Minnesota State Bar Association, Environmental, Natural Resources, and Energy Law Section and Public Utilities Law Section, December 2009

"Climate Change, Carbon Sequestration, and Property Rights," Conference on "Litigating Regulatory Takings Challenges to Land Use and Environmental Regulations," Vermont Law School, November 2009

"Climate Change, Carbon Sequestration, and Property Rights," Georgetown Law Center, October 2009

"Punitive Damages after *Exxon Shipping Company v. Baker*: The Quest for Predictability and the Role of Juries," Symposium on "Exxon Valdez Revisited: Rights and Remedies," University of St. Thomas School of Law, October 2009

Panel on Environmental Law and Industrial Scale Renewables, Conference: "Can Government Be Green?" University of Pennsylvania Law School, September 2009

"Climate Change, Carbon Sequestration, and Property Rights," Property Works-in-Progress Conference, University of Colorado Law School, June 2009

"Climate Change and Geologic Carbon Sequestration," Rocky Mountain Mineral Law Foundation, 14th Institute for Natural Resources Law Teachers, Chico Hot Springs, Montana, May 2009

Climate Change Panel, "Layering Governance: Multi-Level Regulation under Bush and Beyond," Emory University School of Law, May 2009

"Carbon Capture and Sequestration: Assessing Liability and Property Regimes," Minnesota Environmental Institute, Minneapolis, April 2009

Workshop, "Overcoming Legal and Financial Obstacles to CCS," Harvard Law School, March 2009

"Tort Experiments in the Laboratories of Democracy," Notre Dame Law School, February 2009

"Carbon Capture and Sequestration: The Legal and Regulatory Challenges," Dorsey & Whitney LLP, Minneapolis, MN, January 2009

"The Frontier of Eminent Domain," Conference on "Litigating Takings and Other Legal Challenges to Land Use and Environmental Regulation," Stanford Law School, November 2008

"Tort Experiments in the Laboratories of Democracy," Emory University School of Law, October 2008

"State Innovation and Preemption," Georgetown Law Center, October 2008

"Tort Experiments in the Laboratories of Democracy," University of Pittsburgh School of Law, August 2008

"Tort Experiments in the Laboratories of Democracy," University of Minnesota Law School, July 2008

"Climate Change and Carbon Sequestration," Property Works-in-Progress Conference, University of Colorado Law School, June 2008

"The Frontier of Eminent Domain," Law and Society Conference, Montreal, Canada, June 2008

Invited Participant, Research Roundtable: Expansion of Liability under Public Nuisance, Searle Center on Law, Regulation, and Economic Growth, Northwestern University School of Law, April 2008

"Water and Wetlands Update," Environmental Law Institute, Minneapolis, April 2008

"State Innovation and Preemption," University of Florida Levin College of Law, March 2008

"Climate Change and Carbon Sequestration," University of Minnesota Law School, March 2008

"State Innovation and Preemption," Frontiers of Tort Law Symposium, Loyola Law School/Los Angeles, January 2008

"The Frontier of Eminent Domain," Faculty Squaaretable, University of Minnesota Law School, June 2007

"The Growing Influence of Tort and Property Law on Natural Resources Law," Colorado Law School Natural Resources Law Center 25th Anniversary Conference, June 2007

"Punitive Damages and Valuing Harm," Faculty Works-in-Progress, University of Minnesota Law School, March 2007

"Statutory Interpretation -- Massachusetts v. U.S. EPA," Constitution Day, University of Minnesota Law School, September 2006

"Modern Public Trust Principles: Recognizing Rights and Integrating Standards," Big Ten Unentured Scholars Conference, Indiana University School of Law – Bloomington, July 2006

"Modern Public Trust Principles: Recognizing Rights and Integrating Standards," Faculty Works-in-Progress, University of Minnesota Law School, June 2006

"Streamlining, Rightsizing or Destroying? Proposed Changes to the Endangered Species Act and the National Environmental Policy Act," Environmental Law Institute, MILE, Minneapolis, April 2006

"Women Making a Difference in the Judicial System," League of Women Voters of Minnesota Education Fund, Leaders of Today and Tomorrow ("LOTT"), St. Paul, January 2006

"Common Law and Federalism in the Age of the Regulatory State," Faculty Works-in-Progress, Florida State University Law School, November 2005

"Pesticides, Children's Health Policy and Common Law Tort Claims," Faculty Works-in-Progress, University of Minnesota Law School, September 2005

"Developments in Pesticide Law," Natural Resources and Environmental Law Current Issues, Minnesota Attorney General's Office CLE, St. Paul, June 2005

"Current Issues in NCP Compliance under CERCLA," Geomatrix Consultants, Minneapolis, May 2005

Moderator, "Where are Law Ethics & the Life Sciences Headed? Frontier Issues," University of Minnesota Law School, Minneapolis, May 2005

"Legislative and Regulatory Update," Environmental Law Institute, MILE, Minneapolis, April 2005

"How will the Supreme Court's Upcoming Decision in *Kelo v. City of New London* Affect the Public Use Requirement for Eminent Domain?," William Mitchell American Constitution Society for Law and Policy, St. Paul, April 2005

"Adverse Possession and Conservation: Expanding Traditional Notions of Use and Possession," Faculty Colloquium, William Mitchell College of Law, April 2005

Professional and Community Activities

Center for Progressive Reform, Executive Board (2015-present), Member Scholar (2007-present)

Minnesota Center for Environmental Advocacy, Director (2011-present), Legal Committee Chair (2011-present)

Environmental and Natural Resources Section, Minnesota State Bar Association, Secretary (2006-2007), Treasurer (2007-2008), Governing Council Member (2005-2013)

Director, Federal Bar Association, Minnesota Chapter, 2001-2011

Eighth Circuit Vice President, Federal Bar Association, 2002-2004

Resources for Redevelopment Advisory Committee, Minnesota Environmental Initiative, 2005-2006

Co-chair, Environmental Law Committee, Hennepin County Bar Association, 2000-2006

Admissions

Admitted to practice in Minnesota and before the U.S. Court of Appeals for the Eighth Circuit, the U.S. District Courts for the District of Minnesota and the Eastern and Western Districts of Wisconsin