

Resume of PROFESSOR JOEL A. MINTZ

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PUBLICATIONS (in reverse chronological order):

Books:

FUNDAMENTALS OF MUNICIPAL FINANCE (second edition) (American Bar Association) (completed manuscript in production; publication expected, winter, 2020) (with Professor Ronald H. Rosenberg).

MASTERING ENVIRONMENTAL LAW (Carolina Academic Press) (2019) (completed manuscript in production; publication expected, summer, 2019) (with Professor Tracy Hester).

A PRACTICAL INTRODUCTION TO ENVIRONMENTAL LAW (Carolina Academic Press, 2018) (with Professors John C. Dernbach, Steve G. Gold, Kalyani Robbins, Clifford Villa, and Wendy Wagner).

ENFORCEMENT AT THE EPA: HIGH STAKES AND HARD CHOICES (revised edition) (University of Texas Press) (2012).

LAW FOR SUSTAINABILITY (2011) (online work available at [www.mdpi.com/journal/sustainability/special issues/env-laws](http://www.mdpi.com/journal/sustainability/special%20issues/env-laws)) (co-edited with Professor John C. Dernbach).

FUNDAMENTALS OF MUNICIPAL FINANCE (American Bar Association, 2010) (with Professor Larry A. Bakken and Professor Ronald H. Rosenberg).

CASES AND MATERIALS ON ENVIRONMENTAL ENFORCEMENT (Carolina Academic Press, 2007) (with Professors Clifford Rechtschaffen and Robert Kuehn) (2011 and 2012 Supplements).

STATE AND LOCAL GOVERNMENT TAXATION AND FINANCE IN A NUTSHELL (3<sup>rd</sup> ed.) (West Group, Inc., 2007) (with Professor Peter Salsich).

STATE AND LOCAL TAXATION AND FINANCE IN A NUTSHELL (2d. ed.) (West Group, Inc., 2000) (with Professor. M. David Gelfand, Tulane Law School).

ENVIRONMENTAL LAW: CASES AND PROBLEMS (4<sup>th</sup> ed.) (Lexis Publishing, Inc., 2000) (with Professor Frank P. Grad, Columbia Law School) (2007 and 2012 Supplements).

ENFORCEMENT AT THE EPA: HIGH STAKES AND HARD CHOICES (University of Texas Press) (1995) (favorably reviewed, cited or quoted in more than two dozen scholarly books and

journals).

STATE AND LOCAL GOVERNMENT ENVIRONMENTAL LIABILITY (Clark, Boardman, Callaghan 1994) (extensively supplemented, on an annual basis, 1995 to present).

Book Contributions:

Chapter on *Negotiation and Settlement of Environmental Enforcement Cases* in Lee Paddock, ed., ENCYCLOPEDIA OF ENVIRONMENTAL ENFORCEMENT (Edward Elgar Publishing Company, 2017)

Chapter on *Lessons from EPA's Enforcement History for Next Generation Environmental Compliance* in NEXT GENERATION ENVIRONMENTAL COMPLIANCE (Environmental Law Institute, 2014).

Contributing author, John C. Dernbach, ed., ACTING AS IF TOMORROW MATTERS: ACCELERATING THE TRANSITION TO SUSTAINABILITY (Island press, 2012) (forthcoming).

Chapter on *Enforcement* in THE LAW AND POLITICS OF SUSTAINABILITY (Berkshire Publishing Company, 2011).

Chapter titled *Few Changes and Little Progress: U.S. Hazardous Waste Management and Sustainable Development in the Past Five Years*, in John C. Dernbach, ed., AGENDA FOR A SUSTAINABLE AMERICA (Environmental Law Institute, 2009).

Chapter on *Reforming the National Environmental Policy Act*, in CPR FOR THE ENVIRONMENT: BREATHING NEW LIFE INTO THE NATION'S MAJOR ENVIRONMENTAL STATUTES (Center for Progressive Reform, 2007).

Contributing author, Christopher H. Schroeder and Rena Steinzor, eds., A NEW PROGRESSIVE AGENDA FOR PUBLIC HEALTH AND THE ENVIRONMENT (Carolina Academic Press, 2005).

Contributing author, CONTAMINANTS IN THE SUBSURFACE: SOURCE ZONE ASSESSMENT AND REMEDIATION (National Academies Press, 2005).

Chapter on *Civil Enforcement* in Michael Gerrard, ed., PRACTICE GUIDE TO ENVIRONMENTAL LAW (Matthew Bender, Inc., 2004).

Chapter on *Enforcement of Environmental Laws* in POLLUTION A TO Z (MacMillan, 2003).

Chapter on *U.S. Hazardous Waste Management Policy and Sustainable Development* in STUMBLING TOWARD SUSTAINABILITY (Environmental Law Institute, 2002).

Essay on *Sales and Consumption Taxation* in THE OXFORD COMPANION TO AMERICAN LAW (Oxford University Press) (with Professor M. David Gelfand, Tulane University Law School) (2002).

Chapter on *Potential Liabilities of Governments and Other Entities*, in M.D. Gelfand, ed., STATE AND LOCAL GOVERNMENT DEBT FINANCING (West Group, Inc., 1998) (supplemented annually since publication).

Chapter on *Federal Environmental Regulation*, in FLORIDA REAL ESTATE TRANSACTIONS (Matthew Bender, Inc., 1989).

Law Review and Journal Publications:

*Civil Service Resistance at the EPA—A Response to Jennifer Nou*, 94 Chicago-Kent L. Rev. 615 (2019).

*The President's "Two for One" Executive Order and the Interpretation Mandate of the National Environmental Policy Act: A Legal Constraint on Presidential Power*, 87 U.M.K.C. L. Rev. 681 (spring, 2019).

*Remarks of Joel A. Mintz at U.S. Department of Justice Symposium on the Future of Environmental Enforcement*, 47 Env'tl. L. Rptr. 10206 (March, 2017) (self-edited from transcript).

*Running on Fumes: The Development of New EPA Regulations in an Era of Scarcity*, 46 Env'tl. L. Rptr. 10510 June, 2016).

*Thinking Beyond Gridlock: Towards a Consistent Statutory Approach to Environmental Enforcement*, 46 Environmental Law 241 (2016).

*Restating Environmental Law*, 40 Columbia J. Env'tl. L. 1 (2015) (with Professors Robert Percival, Victor Flatt, Irma Russell and Tracy Hester).

*Time for a Restatement*, 32 Env'tl. Forum 38 (January/February, 2015) (with Professors Robert Percival, Victor Flatt, Irma Russell and Tracy Hester)

*Measuring Environmental Enforcement Success: The Elusive Search for Objectivity*, 44 Env'tl L. Rptr. 10751 (September, 2014).

Book Review of Thomas O'McGarity, FREEDOM TO HARM: THE LASTING LEGACY OF THE LAISSEZ-FAIRE REVIVAL, 64 J. Legal Educ. 136 (August, 2014).

*Assessing National Environmental Enforcement: Some Lessons from the United States' Experience*, XXVI Georgetown International Environmental L. Rev. 1 (fall, 2013) (re-published in Ludwig Kramer, ed., ENFORCEMENT OF ENVIRONMENTAL LAW (Edward Elgar Publishing Company, 2016).

*Sackett v. EPA and Judicial Interpretations of Environmental Statutes: What Role for NEPA?* 42 ENVIRONMENTAL LAW 1027 (2012).

*EPA Enforcement of CERCLA: Historical Overview and Recent Trends*, 41 SW L. Rev. 645 (2012).

*Diversity, Specificity, and Environmental Policymaking: An Introduction*, 35 Nova L. Rev. 583 (Summer, 2011).

*Throwing Precaution to the Wind: NEPA and the Deepwater Horizon Blowout*, 2 GEORGE WASHINGTON JOURNAL OF ENERGY AND ENVIRONMENTAL LAW 62 (2011) (with Zellmer and Glicksman).

*Stephanie Aleong: A Brief Recollection and Tribute*, 34 Nova L. Rev. 587 (Summer, 2010).

Book review of Mary K. Doyle and Cynthia Drew, *LARGE SCALE ECOSYSTEM RESTORATION* (Island Press, 2008).

Book review of Karl Boyd Brooks, *BEFORE EARTH DAY: THE ORIGINS OF AMERICAN ENVIRONMENTAL LAW, 1945-1970* (Kansas University Press, 2008), 50 J. AMERICAN LEGAL HISTORY, 2010.

*Presidential Leadership and the Challenge of Global Climate Change*, 39 ENVTL. L. RPTR. 10045 (January, 2009).

*Taking Congress's Words Seriously: Towards A Sound Construction of NEPA's Long Overlooked Interpretation Mandate*, 38 ENVIRONMENTAL LAW 1031 (fall, 2008).

*A Memorial Salute to David Gelfand*, 80 TULANE L. REV. 1585 (2006).

*Some Thoughts on the Interdisciplinary Aspects of Environmental Enforcement*, 36 ENVTL. L. RPTR. 10495 (July, 2006).

*David Gelfand: A Tribute*, 37 THE URBAN LAWYER 641 (fall, 2005).

*Has Industry Captured the EPA?: Appraising Marver Bernstein's Captive Agency Theory After Fifty Years*, 17 FORDHAM ENVTL. L. REV. 1 (2005) (identified by Land Use and Environmental Law Review, following peer review, as one of the 5 best U.S. law review articles of the year regarding environmental law, and published therein with permission).

*Neither the Best of Times Nor the Worst of Times: EPA Enforcement During the Clinton Administration*, 35 ENVTL. L. RPTR. 10390 (June, 2005) (identified by Land Use and Environmental Law Review, following peer review, as one of 10 best U.S. law review articles of the year regarding environmental law).

*Treading Water: A Preliminary Assessment of EPA Enforcement During the Bush II Administration*, 34 ENVTL. L. RPTR. 10912 (October, 2004).

*Some Thoughts On the Merits of Pragmatism As a Guide For Environmental Protection*, 31 BOSTON COLLEGE ENV. AFF. L. REV. 1 (2004).

*The Uncertain Future Path of Environmental Enforcement and Compliance: A Book Review Essay Regarding Clifford Rechtschaffen and David L. Markell*, REINVENTING ENVIRONMENTAL ENFORCEMENT AND THE STATE-FEDERAL RELATIONSHIP, 33 ENVIRONMENTAL LAW 1093 (2003).

*New Loopholes or Minor Adjustments?: A Summary and Evaluation of the Small Business Liability Relief and Brownfields Revitalization Act*, 20 PACE ENV. L. REV. 405 (2003).

*Where Do We Fit In?: U.S. Information Disclosure and Hazardous Waste Remediation Laws as Compared With the Policy Suggestions of the U.N. Environmental Program*, 33 ENVTL. L. RPTR. 10694 (September, 2003).

*Enforcement Overfiling In the Federal Courts: Some Thoughts On the Post-Harmon Cases*, 21 VIRGINIA ENVIRONMENTAL LAW JOURNAL 425 (2003).

*Is This The Best of All Possible Worlds?: A Book Review Essay on the Selective Skepticism of Bjorn Lomborg*, 9 THE ENVIRONMENTAL LAWYER 307 (September, 2002).

*Seeking Prudent Policy in the Face of Uncertainty: Observations on an AALS Discussion of Global Climate Change*, 32 ENVTL. L. RPTR. 10827 (July, 2002).

*Time to Walk the Walk: U.S. Hazardous Waste Management and Sustainable Development*, 32 ENVTL. L. RPTR. 10307 (March, 2002) (identified in Land Use and Environmental Law Review, following peer review, as one of 15 best U.S. law review articles of the year regarding environmental law.).

*Two Cheers for Global POPs: A Summary and Assessment of the Stockholm Convention on Persistent Organic Pollutants*, 14 GEORGETOWN INTERNATIONAL ENVIRONMENTAL LAW REVIEW 319 (Winter, 2001).

*Commentary on Commenting: Thoughts and Observations Regarding Elizabeth D. Mullin's THE ART OF COMMENTING*, 31 ENVIRONMENTAL LAW 581 (2001).

*Whither Environmental Reform? Some Thoughts On A Recent AALS Debate*, 31 ENVTL. L. RPTR. 10719 (June, 2001).

*Can You Reach New Greens If You Swing Old Clubs?: Underutilized Principles of Statutory Interpretation and Their Potential Applicability in Environmental Cases*, 7 THE ENVIRONMENTAL LAWYER 295 (2001).

Book Review of Oliver A. Houck, *THE CLEAN WATER ACT TMDL PROGRAM: LAW, POLICY AND IMPLEMENTATION*, 26 COLUMBIA JOURNAL OF ENVIRONMENTAL LAW 213 (2001).

*Scrutinizing Environmental Enforcement: A Comment on A Recent Discussion At the AALS*, 30 ENV'T=L. L. RPTR. 10639 (August, 2000) (republished in 17 J. LAND USE AND ENV. L. 127, Fall, 2001).

*Rebuttal: EPA Enforcement and the Challenge of Change*, 25 ENV'T=L. L. RPTR. 10538 (October, 1996).

*Introduction to Symposium on Growth Management: A Plan for Florida's Future*, 20 NOVA L. REV. 585 (winter, 1996).

*The Future of Environmental Enforcement: A Reply to Paddock*, 21 ENVIRONMENTAL LAW 1543 (1992).

*Progress Toward A Healthy Sky: An Assessment of the London Amendments to the Montreal Protocol on Substances that Deplete the Ozone Layer*, 16 YALE J. INT. L. No. 2, 571 (1991).

*Economic Reform of Environmental Protection: A Brief Comment On A Recent Debate*, 15 HARVARD ENVIRONMENTAL LAW REVIEW No. 1, 149 (1991). (republished in M. Blumm, ed. THE INTERNATIONAL LIBRARY OF ESSAYS IN LAW AND LEGAL THEORY: ENVIRONMENTAL LAW, Dartmouth Pub. Co., London, 1992).

*Survey of Florida Local Government Law*, 16 NOVA L. REV. No. 1, 375 (fall, 1991).

*Survey of Florida Local Government Law*, 14 NOVA L. REV. No. 3, 919 (spring, 1990).

*Keeping Pandora's Box Shut: A Critical Assessment of the Montreal Protocol on Substances That Deplete the Ozone Layer*, 20 MIAMI INTER-AMERICAN L. REV. No. 3, 565 (summer, 1989)

*Agencies, Congress and Regulatory Enforcement: A Review of EPA's Hazardous Waste Enforcement Effort, 1970-1987*, 18 ENVIRONMENTAL LAW, No. 4, 683 (1988).

*Abandoned Hazardous Waste Sites and the RCRA Imminent Hazard Provision: Some Suggestions for a Sound Judicial Construction*, 11 HARVARD ENVIRONMENTAL LAW REVIEW, 247 (1987) (identified following peer review as one of the 15 best articles of the year on U.S. environmental law in LAND USE AND ENVIRONMENTAL LAW REVIEW.).

*EPA Enforcement: Critical Assessment Yields Mixed Review*, 3 ENVIRONMENTAL FORUM No. 7 at 12 (November, 1984).

*Enforcement in the Second Ruckelshaus Era: Early Trends and Unanswered Questions*, 2 ENVIRONMENTAL FORUM No. 11 at 6 (March, 1984).

Book Review of AIR POLLUTION: FEDERAL LAW AND ANALYSIS by Prof. David P. Currie, 8 COLUMBIA J. ENV'T'L. L. 309 (spring, 1983).

*Teaching Environmental Law: Some Observations on Curriculum and Materials*, 33 J. LEGAL EDUC. 94 (1983).

Other Legal Writings:

Twenty six essays regarding various aspects of land use planning, environmental law and policy, and tort law in various publications including continuing legal education books published by The Florida Bar; the NATIONAL LAW JOURNAL; the MIAMI HERALD; the newsletter of the American Bar Association Standing Committee on Environmental Law; the FLORIDA SIERRA CLUB NEWSLETTER (MIAMI GROUP) and the EPA TIMES.

Twelve op-ed essays on environmental legal issues published in newspapers in Florida.

Nine blog pieces posted online on the Center for Progressive Reform blog.

Perspective essay on enforcement of environmental laws (published online on the Center for Progressive Reform website) <[www.progressivereform.org](http://www.progressivereform.org)>.

EMPLOYMENT:

Law School Teaching:

Nova Southeastern University Shepard Broad Law Center  
Professor of Law Emeritus and C. William Trout Senior Fellow (July 2018 to present)  
Professor of Law (tenured) (July 1987 to June, 2018)  
Associate Professor (July, 1985 to June, 1987)  
Assistant Professor (August, 1982 to June, 1985).

University of Florida  
Levin College of Law  
Visiting Professor (Spring Term, 2011)

Florida International University Law School  
Visiting Professor (Fall Term, 2003)

Courses Taught: Environmental Law, Land-Use Planning, State and Local Government Law, Comparative Environmental Law, and Torts.

Seminars Taught: Environmental Enforcement, Land Use Planning, Environmental Law, State and Local Government Law, and Advanced Clinical Seminar in Environmental and Land Use Law.

Highly complimentary teaching evaluations received consistently from students in *all* courses and seminars taught. Overall ratings from students of above nine (out of a possible ten) in every law school course taught since 1982.

Administrative Duties:

Founder and co-director, Clinical Program in Environmental and Land Use Law, spring, 1997 to 2006.

Program Director, Costa Rica Summer Program in Comparative Environmental Law and International Human Rights, summer, 2001.

Chair and/or member of various university and law school faculty committees, including Contract Renewal, Promotion and Tenure, Curriculum, Distinguished Speakers, Faculty Development, Human Resources, Law School Self-Study, Scholastic Standing, Budget, Faculty Recruitment, Governance, Research Grants, Environmental Affairs, and New Faculty Orientation.

Legal Practice and Clerkship:

Full-Time:

1980-81 Senior Litigation Attorney  
Office of Hazardous Waste Enforcement  
United States Environmental Protection Agency  
Washington, D.C.

Represented federal government in litigation involving hazardous waste disposal sites which pose an imminent hazard to health or the environment: drafted pleadings, briefs and discovery documents, participated in evidentiary proceedings, oral arguments, depositions and in camera conferences, examined scientific experts, conducted legal research, negotiated settlement agreements.

1979-80 State Relations Coordinator and Policy Advisor  
Office of the Regional Administrator  
United States Environmental Protection Agency  
Chicago, Illinois.

Advised top management in EPA Mid-West Regional Office as to legal, policy and budgetary matters. Represented EPA to state environmental officials, industrial interests, and citizens' organizations.

1977-78 Chief Attorney, Case Development Unit  
Water and Hazardous Materials Enforcement Branch  
United States Environmental Protection Agency  
Chicago, Illinois.

Supervised 11 attorneys in administrative and judicial enforcement of federal Clean Water Act and related EPA regulations. Handled litigation and negotiation of high priority enforcement matters.

1975-76 Enforcement Attorney  
Air Enforcement Branch  
United States Environmental Protection Agency, Chicago, Illinois.

Represented EPA in administrative and judicial proceedings to enforce the federal Clean Air Act. Negotiated air pollution clean-up agreements with representatives of the steel, electric utility, petroleum, and rubber industries.

Part-Time:

Natural Resources Defense Council  
New York, New York  
Law Clerk (summer, 1974).

Williamson and Williamson  
New York, New York  
Law Clerk (1972-73).

Public Education Association/  
New York Lawyer's Committee for Civil Rights Under Law  
Community School System Project  
New York, New York  
Law Clerk (summer, 1973).

EDUCATION:

Graduate Legal:

Columbia University School of Law, New York, New York  
J.S.D., May, 1989.  
LL.M., October, 1982.

Doctoral Thesis: *Hazardous Waste Enforcement in Federal Courts and Agencies*

Lawrence A. Wien Research Fellow (August, 1981 to July, 1982)

Undergraduate Legal:

New York University School of Law, New York, New York  
J.D., June, 1974.

Co-Chair, NYU Law School Environmental Law Council, 1973-74.

Participant in clinical program in environmental litigation at New York office of Natural Resources Defense Council.

Grades generally reflected strong academic performance.

Undergraduate:

Columbia College, Columbia University, New York, New York  
B.A., June, 1970.

Dean's List (three years).

Grades generally demonstrated very good academic attainment.

Columbia Political Science Department designee for Henry J. Evans Fellowship, 1970.

Active participant in campus service organizations and in curriculum reforms at Columbia College.

AWARDS AND HONORS:

United States Environmental Protection Agency  
Bronze Medal for Commendable Service -- May, 1979.

Citation: "For dedicated efforts which stand as a model of professional excellence in handling complex environmental enforcement cases of great significance and in fairly, efficiently and creatively administering an important environmental enforcement program."

United States Environmental Protection Agency  
Special Service Award -- May, 1978.

For effective legal work in precedent-setting enforcement litigation.

Nova Southeastern University  
University President=s Faculty Scholarship Award - June, 2003.

For excellence in research and scholarship.

Nova Southeastern University  
University President=s Faculty Research and Development Grant - June, 2008.

For meritorious scholarship.

Shepard Broad Law Center Professor of the Year - 2012-2013

Citation: "In recognition of significant contributions to research and scholarship and exceptional instruction."

Biographical listings in WHO=S WHO IN AMERICA, WHO=S WHO IN THE WORLD, WHO=S WHO IN AMERICAN LAW, WHO=S WHO IN THE SOUTH AND SOUTHWEST, WHO=S WHO IN AMERICAN EDUCATION, CONTEMPORARY AUTHORS, and THE DIRECTORY OF AMERICAN SCHOLARS.

#### MISCELLANEOUS:

##### Activities:

Speeches and presentations to scholarly conferences and professional and trade associations; occasional appearances on television and radio public affairs programs (1982 to present).

Legal consulting to other attorneys (on both compensated and *pro bono* basis) (1982 to present)

#### MEMBERSHIPS:

American Law Institute (elected member since 2009).

Fellow, American Bar Foundation (elected fellow since 2011).

Chair, Section on State and Local Government Law, Association of American Law Schools (1995) (member, executive committee and editor of Section newsletter, spring, 1991 to present).

International Council of Environmental Law (elected member).

International Union for the Conservation of Nature, Environmental Law Commission (elected member).

Committee on Source Removal of Contaminants in the Subsurface, National Academy of Sciences/National Research Council (August, 2002 to January, 2005) (appointed member).

American Bar Association, Sections on Energy, Environment and Resources and State and Local Government Law.

Center for Progressive Reform (Member Scholar, spring, 2003 to present; Board Member, spring, 2019 to present).

Environmental Law Institute Associates.

Board of Directors, Everglades Law Center (1997 to present); President of the Board (January, 2015 to present).

SCRIBES (American Society of Writers on Legal Subjects) (1999 to 2007).

Phi Alpha Delta legal fraternity.

Various other environmental, bar and civic organizations.

Bar Admissions:

State: New York.

Federal: United States Court of Appeals for the Second Circuit; United States District Court for the Southern District of New York; United States District Court for the Eastern District of New York.