

## **DENNIS D. HIRSCH**

303 E. Broad St., Columbus, OH 43215

(o) (614) 236-6685; (c) 614-302-4391

dhirsch@law.capital.edu

### ***EMPLOYMENT***

#### **Law Teaching and Administration**

1998-Present

**Capital University Law School, Professor.** Teach courses on environmental law, information privacy law, appellate advocacy and property law. Recipient of the 2001 Simpson Prize for the best scholarly work by a Capital Law School faculty member. Founded and direct Capital's Concentration Program in Environmental Law. This program includes a comprehensive environmental law curriculum, externship opportunities and an environmental moot court team. Organized and led a major academic symposium on Second Generation Environmental Policy and the Law. Co-founded the Ohio Legal Scholarship Workshop, a semi-annual gathering at which junior law professors from the nine Ohio area schools present their works-in-progress. Serve as faculty adviser to the Environmental Law Society and the Environmental Moot Court Team. Elected by my colleagues to represent the faculty on the Dean Search Committee. Chaired the faculty Long Range and Strategic Planning Committee which coordinated the drafting of a new strategic plan for the law school, and currently chair the Technology Committee. Served on the Admissions, Faculty Development, Faculty Promotions, Programmatic Development, Facilities and Technology, and Faculty-Student Relations Committees. Served as Faculty Director of Student Support Programs.

2005-2007

**Capital University Law School, Associate Dean for Faculty and Student Development.** First occupant of new Associate Dean position at Capital Law School. Initiated and organized Faculty Lecture Series in which academics from around the country presented their legal scholarship at Capital. Established regular scholarship luncheons at which Capital Law School faculty members presented their works-in-progress and received feedback. Organized teaching workshops at which leading thinkers on legal education discussed their ideas on law teaching. Instituted an exchange with a neighboring law school in which junior faculty presented their scholarship at the other school. Created the Innovation Grants Program to fund faculty projects that advance the law school's mission in new ways. Lobbied for and initiated law school subscription to the ExpressO online article distribution service. Managed the Director of Bar Services and supervised implementation of an extensive bar studies program that included one of the first for-credit bar preparation courses in the country. The law school increased its bar passage rate by 27 percent during the time that I led this effort (July 2003-July 2007). Managed the Director of Academic Success and supervised implementation of an Academic Success Program that included a summer program, classes and workshops for identified first-year students, and a Legal Analysis class for identified second-year students. Mentored junior faculty regarding scholarship and promotion. Administered the faculty development budget

and co-administered the academic budget. Successfully stayed within budget parameters. Developed new initiatives to integrate adjunct professors into the life of the law school including an Adjunct of the Year award and an annual adjunct training session.

1997-98 **Notre Dame Law School, Visiting Associate Professor.** Taught a seminar on environmental law practice employing a textbook that I co-authored. Taught a full-year property course that incorporated an innovative service learning component. Served as adviser to the Environmental Law Association.

1996-97 **Drake University School of Law, Visiting Assistant Professor.** Taught environmental law, property, and legal interviewing and counseling. Received grant from the Rocky Mountain Mineral Law Foundation for work on book on environmental practice. Coached the environmental moot court team.

## **Law Practice**

2005 - present **Porter Wright Morris & Arthur, Columbus, Ohio, Counsel to the Firm.** Counsel clients with respect to complex legal issues in the areas of environmental law and appellate litigation. Environmental practice focuses on the Clean Air Act, environmental permitting, climate change law, carbon trading and renewable energy. Appellate practice focuses on litigation before the Ohio Supreme Court and federal and state courts of appeals. Member of the firm's Environment Energy and Government, Green Business, and Appellate Litigation practice groups.

1992-96 **Sidley & Austin, Washington, D.C., Associate.** Private practice focusing on environmental law and trial and appellate litigation. Significant matters included: representing the State of Missouri in its federalism-based challenge to a portion of the Clean Air Act; providing compliance counseling on Clean Air Act issues; successfully briefing and arguing an appeal before the Fourth Circuit concerning the constitutionality of high school community service requirements; briefing an important punitive damages case before the U.S. Supreme Court; briefing a challenge to a major Superfund rulemaking before the D.C. Circuit; and preparing and defending the depositions of expert witnesses in a Superfund contribution action.

1991-92 **Hon. John M. Walker, Jr., U.S. Court of Appeals for the Second Circuit, Law Clerk.** Prepared first drafts of circuit court opinions on a wide variety of civil and criminal matters. Drafted bench memoranda.

## **Other Employment**

1987-88 **Manpower Demonstration Research Corporation, New York, N.Y. Assistant to Vice President.** Prepared research studies on employment initiatives for welfare recipients.

1985-86

**City Volunteer Corps, New York, NY. Team Leader.** Led a team of full-time community volunteers in the nation's first urban youth service corps.

## ***EDUCATION***

**Yale Law School, New Haven, CT, J.D. May, 1991**

Articles Editor, *Yale Law Journal*

Member, Yale Environmental Law Association

**Columbia College, New York, NY, B.A. Anthropology, 1985**

*Summa Cum Laude, Phi Beta Kappa*

## ***PUBLICATIONS***

### **Books**

J. Anderson & D. Hirsch, ENVIRONMENTAL LAW PRACTICE: PROBLEMS AND EXERCISES FOR SKILLS DEVELOPMENT (Carolina Academic Press, 1999) (2<sup>nd</sup> ed., 2003) (book and teacher's manual). Winner of the 2003 CPR Institute for Dispute Resolution Honorable Mention Award for "Problem Solving in the Law School Curriculum." Adopted in over 50 law schools.

### **Articles, Book chapters, Essays**

*Negotiated Privacy: Using Regulatory Covenants to Protect Personal Information* (work-in-progress)

*The Greening of Industry and the Importance of Reflexive Law: What Michael Porter Forgot* (work-in-progress)

*Ecosystem Services and the Green City*, book chapter in GROWING GREENER CITIES (University of Pennsylvania Press) (2008) (peer reviewed).

*Trading in Ecosystem Services: Carbon Sinks and the Clean Development Mechanism*, 22 J. LAND USE & ENV. LAW 623 (2007).

*Environmental Trading Programs*, co-authored book chapter in ENVIRONMENTAL LAW PRACTICE GUIDE: STATE AND FEDERAL LAW (M. Gerrard, ed.) (Matthew Bender) (2007).

*Emissions Trading – Practical Aspects*, co-authored book chapter in GLOBAL CLIMATE CHANGE AND U.S. LAW (M. Gerrard, ed., 2007) (American Bar Association).

*Protecting the Inner Environment: What Privacy Regulation Can Learn from Environmental Law*, 41 GEORGIA LAW REVIEW 1 (2006).

*Is Privacy Regulation the Environmental Law of the Information Age?*, book chapter in *PRIVACY AND TECHNOLOGIES OF IDENTITY: A CROSS-DISCIPLINARY CONVERSATION* (K. Strandburg & D. Stan Raicu, eds., 2005).

*How to Improve Privacy Protection by Adapting and Using Environmental Management Tools*, 5 *PRIVACY OFFICERS ADVISOR* 1 (August 2005).

*Lean and Green? Environmental Law and Policy and the Flexible Production Economy*, 79 *INDIANA LAW JOURNAL* 611 (2004).

*Project XL and the Special Case: The EPA's Untold Success Story*, 26 *COLUMBIA JOURNAL OF ENVIRONMENTAL LAW* 219 (2001). Portions republished in Stephen Johnson, *ECONOMICS, EQUITY AND THE ENVIRONMENT* (2004).

*Understanding Project XL: A Comparative Legal and Policy Analysis*, book chapter in *COMPARATIVE ENVIRONMENTAL LAW AND POLICY* (Kluwer Law Int'l 2001).

*Globalization, Information Technology and Environmental Regulation: An Initial Inquiry*, 20 *VIRGINIA ENVIRONMENTAL LAW JOURNAL* 57 (2001).

*Symposium Introduction: Second Generation Environmental Policy and the New Economy*, 29 *CAPITAL LAW REVIEW* 1 (2001). Portions republished in Stephen Johnson, *ECONOMICS, EQUITY AND THE ENVIRONMENT* (2004).

*Bill and Al's XL-ent Adventure: An Analysis of the EPA's Legal Authority to Implement the Clinton Administration's Project XL*, 1998 *ILLINOIS LAW REVIEW* 129. Portions republished in Stephen Johnson, *ECONOMICS, EQUITY AND THE ENVIRONMENT* (2004).

*The Right to Economic Opportunity: Making Sense of the Supreme Court's Welfare Rights Decisions*, 58 *UNIVERSITY OF PITTSBURGH LAW REVIEW* 109 (1996).

### **Op-eds, Opinion Pieces, Periodicals**

*Get Creative, Ohio*, op-ed published in the *AKRON BEACON JOURNAL* (October 10, 2006).

*The Kyoto Flexibility Mechanisms and the Lawyer's Role*, *Innovation, Management Systems and Trading Committee Newsletter*, ABA Section of Environment, Energy and Resources (July 2006).

*Palestinians Must Control Radicals*, opinion piece published in the *COLUMBUS DISPATCH* (Feb. 18, 2006).

*Hurricane Katrina, Ecosystem Services and Regulatory Innovation*, Innovation, Management Systems and Trading Committee Newsletter, ABA Section of Environment, Energy and Resources (December 2005).

*Wetlands Importance Now Made Clear*, op-ed published in the ATLANTA JOURNAL-CONSTITUTION (September 12, 2005).

*Nazi Analogy Doesn't Fit Israel's Reality*, op-ed published in the CLEVELAND PLAIN DEALER (April 15, 2003).

*Intelligent-Design Movement is Going Against Constitution*, op-ed published in the COLUMBUS DISPATCH (June 13, 2002).

*Environmental Permitting Innovations: A Top Ten List*, ABA Second Generation Issues Committee Newsletter (September 2001).

*Nation Must Reduce its Need for Oil*, op-ed published in the COLUMBUS DISPATCH (Dec. 13, 2001).

*Public Service Programs are not Slavery*, 82 ABA JOURNAL 51 (March, 1996).

*Community Service Builds Citizenship*, 18 NATIONAL LAW JOURNAL A19 (February 5, 1996).

## **SCHOLARLY PRESENTATIONS AND CONFERENCES**

*Greenhouse Gas Emissions Trading: Commodities, Markets and the Next Big Thing*, guest lecturer for class on Business and the Environment – Strategies for Sustainability, Ohio State University Fisher School of Business (Feb. 25, 2009).

*Privacy Regulation, Environmental Law and the Promise of Regulatory Covenants*, Suffolk University Law School, Law and Society Speaker Series (Feb. 9, 2009) (featured speaker)

*Carbon Trading: Emerging Markets and How You Can Participate in Them*, Mid-Ohio Regional Planning Commission, Summit on Sustainability and the Environment (Sept. 11, 2008)

*Carbon Trading: Emerging Laws, Markets and Opportunities*, Triple Bottom Line Boot Camp, Ohio State University Fisher College of Business (June 19, 2008).

Invited participant, Privacy Law Scholars Conference (June 12-13 2009).

*Compliance Markets for Carbon Offsets: Past Experience, Future Opportunities*, Carbon Emission Trading 101 (May 19, 2008).

*The Brave New World of Carbon Emissions Trading: An Introduction for Lawyers*, Ohio State Bar Association Annual Meeting, Environmental Law Update Panel (May 15, 2008).

*The Greening of Industry and the Evolution of Environmental Law*, Capital University Law School Faculty Workshop (April 11, 2008).

*Pollution Prevention and “Next Generation” Environmental Policy*, Ohio State University School of Public Health (February 28, 2008).

*Greenhouse Gas Emissions Trading: Speaking the Language of Trading*, presentation at the Columbus Bar Association event on *Global Climate Change: How Industry and Government are Reacting to this Inconvenient Truth* (Dec. 12, 2007).

*The Greening of Industry and the Evolution of Environmental Law*, Georgetown University Law Center, Environmental Law Research Workshop (Nov. 14, 2007) (featured speaker).

*U.S. Carbon Trading Markets*, online panel presentation, Panel Intelligence (September 24-27, 2007) (presented online written lecture and responded to written comments from participants).

*Climate Change Litigation: The Public Nuisance and Tort Cases*, presentation for Carbon Finance World 2007 panel on *Forcing Change: How Will Climate Change Litigation Influence the Market?*, University of Chicago Gleacher Center (Sept. 18, 2007).

*Privacy Law Theory and Advocacy*, presentation to the Privacy Law Workshop, Samuelson Law, Technology and Public Policy Clinic, Boalt Hall School of Law, U.C. Berkeley (June 22, 2007) (featured speaker).

*Ecosystem Services, Natural Capital and the Greening of the City*, presentation to the Mayor’s Green Team, City of Columbus (June 14, 2007).

*Why Privacy Injuries are the Environmental Damage of the Information Age, and What This Can Tell Us About How To Protect Privacy Better*, lecture presented utilizing an avatar in the virtual world of There.com, hosted by the State of Play Academy, The University of There (May 31, 2007, <http://stateofplayacademy.com>).

*GHG Emissions Trading: Is There a Role for Lawyers?*, Ohio State Bar Association 22<sup>nd</sup> Annual Ohio Environmental Law Seminar, Panel on *Climate Change and its*

*Implications for Environmental Practice* (April 26, 2007).

*Protecting the Inner Environment: What Privacy Regulation Can Learn from Environmental Law*, Annual Law Review Invited Lecturer, University of Georgia Law School (Feb. 7, 2007) (featured speaker).

Moderator, *Muddying the Waters: How Rapanos v. U.S. Changed Wetlands Regulation*, University of Toledo Law School Great Lakes Water Conference (Dec. 1, 2006).

*Ecosystem Services and the Green City*, University of Pennsylvania Institute for Urban Research, Symposium on Growing Greener Cities, panel on Measuring the Economic Benefits of Greening (Oct. 17, 2006).

*Environmental Law Theory and Practice as a Model for Privacy Regulation*, Florida State University School of Law, Faculty Lecture Series (Sept. 25, 2006) (featured speaker).

*Understanding Second Generation Environmental Regulation*, presentation to Environmental Law Seminar, Florida State University Law School (Sept. 25, 2006).

*Trading in Ecosystem Services: Carbon Sinks and the Clean Development Mechanism*, Florida State University Law School Symposium on The Law and Policy of Ecosystem Services (April 8, 2006).

*Lean Production and the Convergence of Environmental Values and Competitiveness*. Lecture given to class on Operations Management, Capital University (March 30, 2006).

*Privacy Injuries, Environmental Damage and the Sustainable Development of the Information Economy*, University of Connecticut School of Law, Faculty Lecture Series (December 2005) (featured speaker).

*Protecting the Online Environment: What Privacy Policy Can Learn from Environmental Regulation*, University of Maine Law School, Faculty Lecture Series (October 2005) (featured speaker).

*Why Kelo Was Correctly Decided*, panel discussion on Eminent Domain and the Supreme Court's decision in Kelo v. City of New London, Capital University Law School (October 2005).

Moderator, *Understanding Trading Programs and Policy Through an Evaluation of EPA's Mercury Trading Program*, ABA Section of Environment, Energy and Resources Fall Meeting (September 2005).

*The Constitution and the Environment*, Capital University Constitution Day Panel (September 2005)

Panelist and speaker, *Changing U.S. Statutes and Regulations to Achieve Stewardship and Sustainability*, ABA Standing Committee on Environmental Law National Conference on Financial Institutions, Corporate Stewardship and Sustainable Development: Drivers for the Evolution of U.S. Environmental Laws and Practice (June 2005).

*Emerging Environmental Regulatory Approaches and Their Implications for Sustainability*. Guest lecture for course on Corporate Environmental Strategy, Fisher College of Business, The Ohio State University (April 2005).

*Smart Growth and Clean Air*. Presentation to some members of the Ohio House and Senate Environmental Committees and the Ohio Alliance for the Env't. (April 2005).

*New Source Review, Flexible Production and Regulatory Innovation*. Presentation at the Tulane Environmental Conference, Tulane University Law School Institute for Environmental Law and Policy (April 2005) (featured speaker).

*Using Environmental Law as a Model for Privacy Regulation*. Online presentation and web-based threaded discussion. Mercer Law School Environmental Law Virtual Guest Speakers program (March 14-18, 2005).

*Why Privacy Law is the Environmental Law of the 21<sup>st</sup> Century*. Presentation at the International Association of Privacy Professionals National Summit, Broader Perspectives Track (March 2005).

*Trading and Other Alternative Regulatory Approaches Under the Clean Water Act*. Presentation to the Ohio Water Environment Association (February 2005).

*Second Generation Regulatory Tools*. Presentation to the Multi-State Working Group on Environmental Management, Policy Academy on Environmental Management Tools (February 2005).

*What Privacy Regulation Can Learn From Environmental Law*. Paper delivered to the Ohio Legal Scholarship Workshop (January 2005).

Moderator, *Creating a New Field: The Evolution of Environmental Law*, Plenary Session at the Association of American Law Schools Annual Meeting (January 2005).

*Advanced Manufacturing and Environmental Regulation*. Guest lecture for course on Operations Management, Capital University School of Management (November, 2004).

Moderator, *Environmental Law in a Dynamic World: Emerging Technologies, Advanced Production and Environmental Regulation*, American Bar Association, Section of Environment, Energy and Resources, Fall Meeting (October 2004).

*Alternative Approaches to Environmental Governance*. Lecture at the Ohio State School of Public Health Environmental Law Seminar (May 2004).

Moderator, *Panel on Environmental Law Ethics*, Ohio State Bar Association, Ohio Environmental Law Seminar (April 2004).

Moderator, *Can Pollution Control and the Free Market Work Together?*, panel discussion Capital University Law School (April 2004).

*Intelligent Design Advocacy at the Federal and State Levels*. Lecture delivered to the Society for Evolutionary Analysis in Law Sixth Annual Scholarship Conference (October 3, 2004).

*Lean and Green? Environmental Law and Policy for the Flexible Production Economy*. Paper delivered to the Ohio Legal Scholarship Workshop (June 2003).

*Innovations in Environmental Permitting: EMSs and Beyond*. Lecture delivered at the Multi-State Working Group conference on Higher Environmental Performance Through Environmental Management Systems (Orlando, Fla., June 4, 2002).

*Lean Production and Environmental Regulation*. Presentation to the Ohio Manufacturer's Association (Columbus, OH, November 13, 2001).

*Regulatory Innovation and the Existing Environmental Law Framework: The Need for Second Generation Legislation*. Lecture delivered at the American Bar Association and Environmental Law Institute Joint Forum on "Prospects for Second Generation Legislation," (Washington, D.C., October 18, 2001).

*Second Generation Environmental Policy: New Approaches to Working Together*. Lecture delivered at the Ohio Alliance for the Environment 23<sup>rd</sup> Annual Conference (Columbus, OH, October 31, 2000).

*Second Generation Environmental Policy: An Introduction*. Lecture delivered at the Symposium on Second Generation Environmental Policy and the Law, Capital University Law School (Columbus, OH, April 14, 2000).

Commentator, American Bar Association forum on the Second Generation of Environmental Improvement Act (Washington, D.C., October, 1999).

*Project XL and the Special Case.* Lecture delivered at the Wharton Impact Conference on Environmental Contracts (Wharton School of Business, University of Pennsylvania, Philadelphia, PA, September 1999).

*Using Implied Waiver Authority to Implement Project XL.* Presentation to the U.S. EPA, Office of Reinvention (Washington, D.C., February 1999).

*Using Simulations to Teach Environmental Law.* Presentation at the AALS, Section on Environmental Law, Annual Meeting (New Orleans, January 1999).

## **AWARDS AND HONORS**

Finalist, Fulbright Netherlands Award, Senior Professorship in American Culture (2010) (final decision on award to be made spring 2009).

Recipient, Board of Trustees Central Ohio Emerald Award (2006), granted by the Solid Waste Authority of Central Ohio for excellence and leadership in environmental improvement and waste reduction.

Recipient, Honorable Mention Award for Problem Solving in the Law School Curriculum (2003), granted by the CPR Institute for Dispute Resolution for my book, ENVIRONMENTAL LAW PRACTICE: PROBLEMS AND EXERCISES FOR SKILLS DEVELOPMENT (1999).

Recipient, 2001 Simpson Award for best legal scholarship by a Capital University Law School professor.

## **SERVICE**

Vice-Chair, past Chair and co-founder of the Committee on Innovation, Management Systems and Trading, American Bar Association Section of Environment, Energy and Resources. The Committee is a 120-member group that examines emerging environmental regulatory strategies and evaluates their implications for environmental law and policy. In particular, the Committee focuses on environmental leadership programs and other regulatory “innovations,” regulatory initiatives that support the use of environmental management systems, and market-based trading programs. As Chair I recruited and led a team of ten Vice-Chairs, represented the Committee at ABA programs and other national environmental events, led the planning of six major ABA Environmental Section programs, and oversaw web page development, membership recruitment, and public service efforts.

Co-founder, Central Ohio Sustainability Roundtable. This group serves as a regional forum for sharing of ideas on business stewardship, green building design, smart growth, sustainable agriculture, green product design, alternative energy, and other emerging

sustainability practices. For two years, I served as Programs Chair and organized a bi-monthly speaker series for the group.

Legal Adviser, Project CLEAR, Columbus, OH (2001-2003). Worked with the environmental, governmental, business and academic communities to evaluate and recommend strategies for improving air quality in Central Ohio.

### ***PERSONAL***

Married to Suzanne Goldsmith-Hirsch, a writer. We have two children, Clara (11) and Alexander (9). Enjoy jogging, acoustic guitar and playing percussion with The Big Rockin' Blues Band.