

Environmental Law and Sustainability Section
Academy of Legal Studies in Business

Fall 2020 Section Newsletter

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1. Guest Speakers at 2020 Section Meeting

The Environmental Law and Sustainability Section held its annual meeting on Friday, August 7, 2020 as part of the annual ALSB Conference. Although we could not meet in person, the University of Connecticut did a fantastic job of technical support so that we could have a virtual meeting.

Part of that meeting included two guest speakers:

- **Lt. Col. Faye Cuevas** has been an Intelligence Policy & Strategy Officer for the Joint Chiefs of Staff and has worked as a corporate counsel, state and federal prosecutor, and senior executive. Faye’s work at the intersection of counter-terrorism, anti-poaching, and women’s entrepreneurship has gained international media attention ([including PBS NewsHour](#)).
- U.S. Navy combat veteran officer **Jason Cipriano is a Fortune 500 VP** at State Street, the world’s largest custodial bank, touching \$1 of every \$10 in global commerce, as well as a Mass Challenge finalist and start-up survivor. Jason is

Latinx and accountable for supplier diversity and sustainability.

With moderation by Section member Adam Sulkowski (who also deserves our thanks for arranging the speakers), the guests shared tips on how to better manage ourselves and others in times of stress, and what we can teach and research and write that they would read, use, and cite.

Among the points raised by the speakers, Col. Cuevas referred to justice within legal systems and the need for more cross-sectional impact. For example, nations typically take punitive measures against poachers, but that often affects poor people the hardest. Mr. Cipriano made similar points in the context of supply chains and doing business across borders; he emphasized the need to understand culture and cultural differences and thus the importance of cross-culturalism. Other topics included sustainability as an existential challenge and the possibility of more private sector environmental investing and the question of what laws apply to foreign agents.

2. The 2020 Nancy Kubasek Award for Best Paper on Environmental Law and Sustainability

At each annual conference, the best paper that addresses sustainability or environmental law is honored with the Nancy Kubasek Award. Jeff Todd won this year for his paper “A Fighting Stance in Environmental Justice Litigation.”

That paper addresses how the poor, persons of color, and indigenous peoples often turn to the courts to correct the injustice of companies and governments causing environmental harms in their communities. Existing interpretations of tort,

constitutional, and statutory law do not adequately fit the situations faced by environmental justice plaintiffs, however, so defendants often move to dismiss for justiciability reasons like lack of standing or the political question doctrine or for failure to state a claim. Plaintiffs therefore need to frame their lawsuit in a way that gives the best chance of surviving the motion to dismiss. To find theoretical backing for a solution, the paper turned to stasis theory from classical rhetoric, which provides a systematic strategy for identifying the most likely issue upon which a judge will rule and developing arguments and counterarguments around it. The paper then explained how stasis theory can inform environmental justice litigation by explicating the pleadings, briefs, and opinions in two similar climate justice cases: *Native Village of Kivalina v. ExxonMobil Corp.* and *Juliana v. United States*. The paper is forthcoming in Volume 50 of *Environmental Law*.

Please thank the three judges for the Kubasek Award: Janet Hale, Inara Scott, and last year's winner, Carol Miller. Thanks also to all of you who presented on an environmental or sustainability issue at this year's conference.

3. Section Member "Bullet" List

One of the topics discussed during the Section meeting was the need to do more as a section throughout the year. One idea was more newsletters (and thus this mid-Fall-semester newsletter, with plans for a mid-Spring semester newsletter as well).

Another idea was to include a "bullet" list of section members in those newsletters. Each bullet has name, contact information, affiliation, and research and teaching interests.

These bullets are useful for a number of reasons: they can help new members identify more established colleagues for review of papers or external review for tenure; they can help us determine who might be an authority on an issue that is a little outside of our regular interests; they can suggest potential collaborations; and they can

point us toward the works of members so that we can cite each other in our scholarship.

The following people responded to the solicitation for bullets:

- Kelly Eskew (kreskew@iu.edu), Clinical Professor of Business Law & Ethics, Indiana University Kelley School of Business. Sustainability law and policy; renewable energy law and policy; business and poverty alleviation; business and human rights.
- Chelsea Green (greenc4@miamioh.edu), Assistant Clinical Professor, Business Legal Studies, Miami University. Pedagogy in the business school related to social responsibility, ethics, and diversity.
- Jehan El-Jourbagy (jehan.eljourbagy@gcsu.edu), Assistant Professor of Business Law & Ethics, Georgia College. Sustainability, Natural Resources, Corporate Decision-Making.
- Ruth Jebe (ruthjebe@boisestate.edu), Assistant Professor of Legal Studies, Boise State University. International regulatory and governance theory; corporate reporting and sustainability; international law.
- Ida M. Jones (idaj@mail.fresnostate.edu), Verna Mae and Wayne D. Brooks Professor of Business Law, California State University Fresno. Water Law, ethics, sustainability, online pedagogy.
- Chad Marzen (cmarzen@fsu.edu), Associate Professor of Legal Studies in Business, Florida State University. Crop Insurance, Agricultural Law, Insurance Law.
- Stephen Park (stephen.park@uconn.edu), Associate Professor of Business Law and Satell Fellow in Corporate Social Responsibility, University of Connecticut. Sustainable Finance, ESG Investing and Reporting.
- Bruce L. Rockwood (clan.rockwood@gmail.com), Professor Emeritus of Legal Studies (Bloomsburg University PA), Teaches environmental law & climate change at Coastal Senior College (Maine). MBA Law & Ethics, International

Legal Environment, Business Law, and Law & Literature.

- Matt Roessing (matt.roessing@uga.edu), Lecturer in Legal Studies, Terry College of Business, University of Georgia. International Trade Law, Pedagogy.
- Inara Scott (scottin@oregonstate.edu), Provost Fellow and Assistant Dean for Teaching and Learning, Oregon State University. Energy, sustainable business, legal and policy implications of climate change.
- Jeff Todd (jat169@txstate.edu), Associate Professor of Business Law, Texas State University. Rhetoric, Transnational/Complex Tort Litigation, Environmental Justice.
- Meredith Wegener (mwegener@okcu.edu), Associate Professor, Oklahoma City University. Energy, Environment & Energy, Ethics, Contracts and Torts.

If you are new to the section or did not email your information following the conference, please contact Jeff Todd (jat169@txstate.edu) so that I can continue to revise and expand the list.

4. Spring 2021 Newsletter: Send Me Your Accomplishments!

Another way that we can stay more engaged as a section is to share our accomplishments. Please email me details about your environmental or sustainability-related publications, presentations, new course development, awards, institutional or public service, student projects, tenure and promotion, or new positions.

I envision these accomplishments being a regular section in each newsletter (which will go out early-to-mid semester in the Fall and Spring), so please do not be shy about sending me your information.

5. Looking Toward the 2021 ALSB Conference in Minneapolis

Although we do not meet again until August 2021 in Minneapolis, it is not too early to start thinking about that conference.

For example, some members have already suggested ideas about speakers, such as law faculty

from the local law schools or someone affiliated with the Boundary Waters Canoe Area Wilderness. If you know anybody (or know of anybody) in the twin cities who researches or works in environmental or sustainability areas (note: need not be a lawyer), feel free to reach out to that person or to run that name by me.

Also, don't forget to submit papers and tag them as environmental and sustainability so that they will be eligible for the Kubasek Award—which not only comes with honor and respect but also a nice plaque and a monetary prize. Given the reach of environmental law and the breadth of sustainability as a concept, many papers could likely be eligible. If you will not be submitting for the award, then consider volunteering to be one of the judges along with me. Note to tenure-track people or those looking for tenure-track positions: seemingly little things like judging for awards can stand out as external service.

Speaking of external service that is good for tenure-track folks (or anybody, really), consider taking a more active role in the Section. Although some sections have a rigid leadership structure, ours is more informal: I am the Chair because I'm willing to be, and Janet Hale assists, but we do not have any other set positions. If interested in taking over for the next academic year, or if you have an idea for a project related to the section, then let me know.

In Closing

I hope everyone has a safe and productive semester, and I look forward to hearing your accomplishments and then seeing you all next August in Minneapolis.

From your Section Chair,
Jeff Todd, Texas State University
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