

# Melissa K. Scanlan

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Vermont Law School, South Royalton, VT, 802-831-1066 [mscanlan@vermontlaw.edu](mailto:mscanlan@vermontlaw.edu)

## ACADEMIC APPOINTMENTS

### **Vermont Law School**, South Royalton, VT

<i>Associate Dean of Environmental Law Program &amp; Director of Environmental Law Center</i>	2013 – 2017
<i>Co-founder and Director, New Economy Law Center</i>	2015 – present
<i>Professor</i>	2016 – present
<i>Associate Professor</i>	2013 – 2016
❖ As Associate Dean, directed all aspects of top-ranked environmental law program including leading the curriculum for six masters and LLM degrees, supervising all environmentally-related centers and clinics, creating new initiatives and courses, collaboratively leading 30 environmental faculty members, and fundraising;	
❖ Serve on key leadership committees, such as Dean's Advisory Committee (2014-2015); Trustee/Administration Strategic Planning Business Oversight Committee (2014); Faculty Strategic Planning (2015-2016); NEASC Self Study (2016); Appointments (2014, 2015, 2016, 2017); Learning Outcomes and Assessments (2016-2017);	
❖ Teach Legislation and Regulation, Watershed Management, New Frontiers in Environmental Policy.	

### **University of Wisconsin Law School**, Madison, WI

2011- 2013

#### *Water Law and Policy Scholar*

- ❖ Joint appointment at University of Wisconsin – Milwaukee's School of Freshwater Sciences;
- ❖ Engaged in interdisciplinary water law and policy research;
- ❖ Developed and taught new interdisciplinary course in Water Law and Policy with cross campus graduate enrollment;
- ❖ Served on Environment and Resources PhD committee;
- ❖ Provided institutional bridge between UW Law School and UW Milwaukee's School of Freshwater Sciences.

### **Marquette University Law School**, Milwaukee, WI

Spring Semester 2011

#### *Adjunct Professor of Law*

- ❖ Developed and taught course on water pollution and restoration focused on the Clean Water Act.

### **University of Wisconsin Continuing Education**, Milwaukee, WI

2010-2012

#### *Lead Instructor*

- ❖ Developed and annually led day-long course on water law for Water Technology Certificate Program.

## EDUCATION

### **University of California, Berkeley**

Boalt Hall School of Law, J.D.	May 1999
Environmental Science, Policy and Management Program, M.S.	May 1999
<b>Honors:</b> Alvin & Sadie Landis Scholarship in Water Law - Class of 1999; Harmon Award for the Best Environmental Law Writing at UC-Berkeley (1999); California Bar Association Public Service Award (1998); Prosser Award in Feminist Theory and Welfare (1997); Charles Tigar Public Interest Award (1996)	

### **The Catholic University of America**, Washington, D.C.

World Politics, B.A.	May 1993
<b>Honors:</b> Phi Beta Kappa, Summa Cum Laude, Honors Comprehensive Exams	
<b>The Jagiellonian University</b> , Krakow, Poland, Foreign Studies Program	1990

## PUBLICATIONS

Law for the New Economy: Sustainable, Just, and Democratic, (Melissa K. Scanlan ed., 2017)

"Climate Change, System Change, and the Path Forward," a chapter in Law and Policy for a New Economy: Sustainable, Just, Democratic, M. Scanlan, ed., Edward Elgar, (2017)

"A Comparative Analysis of the Public Trust Doctrine for Managing Water in the United States and India," a chapter in Handbook on Water Law and Policy, Alistair Rieu-Clarke, et. al. (eds.), Routledge, (2017)

"Sustainable Sewage," a chapter in *Energy, Governance and Sustainability*, Edward Elgar Publishing, (2016)

*Blueprint for the Great Lakes Trail*, 4 Michigan Journal of Environmental & Administrative Law 61 (Fall 2015)

Book Review of Environmental Protection in Multi-Layered Systems: Comparative Lessons from the Water Sector, Edited by Mariachiara Alberton and Francesco Palermo (April 18, 2014). *Publius: The Journal of Federalism*, pp.1-5 (2014) (with Richard O. Brooks)

*Food and Virtual Water in the Great Lakes States*, 63 DePaul Law Review 771 (Spring 2014) (with Jennifer Kehl)

*Marginalized Monitoring: Adaptively Managing Urban Stormwater*, in *Next Generation Environmental Compliance and Enforcement*, LeRoy Paddock and Jessica Wentz, eds. (2014) (with Stephanie Tai)

*Adaptive Trading: Experimenting with Unlikely Partners*, 62.4 Kansas Law Review 971 (2014)

*Shifting Sands: A Meta-theory for Public Access and Private Property Along the Coast*," 65 South Carolina Law Rev 295 (Winter 2013)

*Marginalized Monitoring: Adaptively Managing Urban Stormwater*, 31 UCLA Journal of Environmental Law & Policy 1 (Summer 2013) (with Stephanie Tai)

*Implementing the Public Trust Doctrine: A Lakeside View into the Trustees' World*, 39 Ecology Law Quarterly 123 (Summer 2012); reprinted in four part series of Trout Unlimited's quarterly *Wisconsin Trout* (2012-2013); cited in *Rock-Koshkonong Lake Dist. v. DNR*, 833 N.W.2d 800, n.4 (WI 2013)

*Protecting the Public Trust and Human Rights in the Great Lakes*, 2006 Michigan State Law Review 1333 (2006)

*Realizing the Promise of the Great Lakes Compact: A Policy Analysis for State Implementation*, 8 Vermont Journal of Environmental Law 39 (2006) (with Habush Sinykin & Krohelski)

Invited Comment, received Harmon Award for best environmental law writing at University of California, Berkeley, *The Evolution of the Public Trust Doctrine and the Degradation of Trust Resources: Courts, Trustees and Political Power in Wisconsin*, 27 Ecology Law Quarterly 135 (2000); reprinted in four part series of Wisconsin Trout (2000); cited in Wisconsin Legislative Reference Bureau, [Constitutional Highlights](#), Vol. IV, No. 4 (October 2004); cited in *Dilley v. Johnson, et al.*, Wisconsin Circuit Court, at 5 (March 28, 2012); cited in *Rock-Koshkonong Lake Dist. v. DNR*, 833 N.W.2d 800, n.4 & n.26 (WI 2013)

Invited Comment, *The End of Welfare and Constitutional Protections for the Poor: A Case Study of the Wisconsin Works Program and Due Process Rights*, 13 Berkeley Women's L. J. 153 (May 1998)

## SELECT ACADEMIC PRESENTATIONS

- ❖ World Water Congress XVI, Cancun, Mexico, Special Session Speaker, May 31, 2017, *What's next for water law and policy? Recent developments, future challenges and potential opportunities*.
- ❖ IUCNAEL Colloquium, Oslo, Norway, Plenary Speaker, June 20-26, 2016, *The Role of the Courts in Guarding Against Privatization of Important Public Environmental Resources*.
- ❖ World Water Congress XV, Edinburgh, Scotland, Selected Presentation, May 25-29, 2015, *Virtual Water in Agricultural Production*.
- ❖ First Annual Sustainability Conference of American Legal Educators, Arizona State Law School, Tempe, AZ, Panelist, May 8, 2015, *Climate Change and Law for the New Economy*.
- ❖ University of Michigan Law School, Ann Arbor, MI, Speaker, April 2, 2015, *Blueprint for the Great Lakes Trail*.
- ❖ XX International Conference Society for Human Ecology, Panelist, October 25, 2014, *Redesigning Urban Wastewater Treatment for Net Energy Production*.
- ❖ Vermont Law School, Eco-Equity: The 2014 Solutions Conference, Panelist, March 28, 2014, "Water Privatization" on the Developing Natural Resources panel.

- ❖ Northeastern University School of Law, Lawyering for the Sustainable City, Panelist, March 21, 2014, *Key Challenges to Lawyering for the Sustainable City*.
- ❖ Berkeley Law School, The Berkeley Exchange: Celebrating Berkeley's Contribution to Environmental Law Scholarship, Panelist, February 7, 2014, *Blueprint for the Great Lakes Trail*.
- ❖ IUCNAEL Colloquium 2014, Tarragona, Spain, Panelist, July 3, 2014, *Turning Urban Sewage Into Renewable Energy*.
- ❖ Middlebury College, Howard E. Woodin Colloquium Series, Speaker, December 5, 2013, *Social Entrepreneurs: Be the Change You Want to See*.
- ❖ University of Kansas, Kansas Law Review Symposium, Panelist, November 1, 2013, *Adaptive Management and Water Quality Trading: Experimenting with Unlikely Partners*.
- ❖ Vermont Law School Freshwater Working Group Panel Discussion, Panelist, October 18, 2013, *Implementing the Public Trust Doctrine with the Great Lakes Trail*.
- ❖ Vermont Law School Water Confab, Speaker, June 7, 2013, *Public Access to Beaches*.
- ❖ University of Wisconsin Limnology Seminar, Speaker, March 20, 2013, *Implementation of Wisconsin's Water Laws and Implications for Water Scientists*.
- ❖ DePaul University College of Law, DePaul Law Review Symposium, Speaker, March 1, 2013, *Virtual Water and Food Exports in the Great Lakes Region*.
- ❖ Mercer University Law School, Virtual Environmental Law Guest Speaker Series, February 11, 2013, *Marginalized Monitoring: Adaptively Managing Urban Stormwater*.
- ❖ Berkeley Law, George Washington University Law School, and Environmental Protection Agency Workshop, Next Generation Environmental Compliance, Speaker, December 11-12, 2012, *Technology and New Ways to Seek Compliance*.
- ❖ University of Wisconsin Law School, Panelist, October 6, 2011, *Discussion of Common Pool Resource Systems*, Featuring and Honoring Nobel Prize Winner, Professor Elinor Ostrom.
- ❖ University of Minnesota School of Law, Environmental Law Capstone: Brownfields Redevelopment and Litigation, Guest Lecturer, February 1, 2010, *Environmental Justice Issues in Urban Land Redevelopment*.
- ❖ Michigan State University College of Law & Institute for Trade in the America's Conference on The Great Lakes Water Basin, Invited Speaker, December 2, 2006, *Privatization and the Great Lakes Compact*.
- ❖ University of Toledo College of Law Conference, Speaker, November 18, 2005, *Access to Great Lakes Water Under the Proposed 2001 Agreements*.
- ❖ University of Wisconsin Gaylord Nelson Institute for Environmental Studies, Course on Green Politics, Guest Lecturer, September 28, 2005, *Environmental Theory and Practice: Oil and Water?*
- ❖ University of Wisconsin Arrowhead Lecture Series, Speaker, October 6, 2004, *The State of Wisconsin's Public Trust Doctrine and the Job Creation Act*.
- ❖ Waters of Wisconsin Forum, Speaker, October 22, 2002, *Access to Wisconsin Water: The Public Trust Doctrine – Past, Present, and Future*.

#### **ACADEMIC GRANT FUNDING SECURED**

\$2,600,000 gift from Lynde B. Uihlein to endow and create an interdisciplinary Center for Water Policy	2011
\$300,000 gift from Lynde B. Uihlein to create a new position of Water Law & Policy Scholar	2011
\$50,000 University of Wisconsin Madison/Milwaukee Chancellors' Intercampus Research Grant	2011
\$20,000 research grant from Bradshaw-Knight Foundation	2010

## PROFESSIONAL EXPERIENCE

<b>Melissa K. Scanlan, LLC</b> , Milwaukee, Wisconsin	2010-present
<i>Founder &amp; Principal</i>	
❖ Created consulting firm specialized in producing water scholarship, teaching, and promoting social enterprises engaged in water policy;	
❖ <i>On the Commons Fellow</i> , 2010;	
❖ Represented Lynde B. Uihlein in designing and launching Center for Water Policy at University of Wisconsin-Milwaukee and closed a \$2.6 million gift for this venture.	
<b>Midwest Environmental Advocates</b> , Madison & Milwaukee, Wisconsin	
<i>Founder &amp; Executive Director</i>	1999- 2007
<i>Senior Counsel</i>	2007- 2010
<i>Board Member</i>	2010-present
❖ Received two prestigious fellowships to found Wisconsin's first environmental law center: National Association of Public Interest Law (now Equal Justice Works) and Echoing Green;	
❖ Directed and managed all aspects of organization from start up phase to stability;	
❖ Provided legal and policy advice to governmental and non-governmental collaborative of the Southeastern Wisconsin Watersheds Trust, tribal governments, and community groups;	
❖ Experienced in administrative, state and federal court proceedings;	
❖ Successfully negotiated numerous high impact cases and policy determinations;	
❖ Experienced working with scientific and economic experts;	
❖ Raised up to \$500,000 per year from private foundations and donors;	
❖ Established clinical externship program with University of Wisconsin Law School: taught, mentored and trained over 50 law students in one-on-one practice-based setting;	
❖ Produced original research ranging from advocacy reports to law review articles.	

## HONORS AND AWARDS

Wisconsin Super Lawyers Rising Star	2006, 2007, 2008
Mesa Refuge Writing Fellowship	June 2005
National Association of Public Interest Law (now Equal Justice Works) Fellowship	1999-2001
Echoing Green Fellowship	1999-2003

## SELECT MEDIA, BOOK, AND FILM APPEARANCES

- ❖ Does the US Constitution Ensure a Future Livable Planet? Law360, opinion article, January 10, 2017.
- ❖ The dismantling of Obama's climate legacy by a President Donald Trump, ThinkProgress, quoted on the Supreme Court, October 19, 2016.
- ❖ On Point with Tom Ashbrook podcast, interviewed on "Blueprint for a Great Lakes Trail," June 1, 2015.
- ❖ "Q&A: Legal scholar Proposes World's Longest Walking Trail around Great Lakes," Michigan Distilled, April 13, 2015.
- ❖ High-Capacity Well Regulation in Wisconsin, U.S., National Driller, quoted on September well regulation decision, November 1, 2014.
- ❖ Burlington Free Press, January 19, 2014, quoted in Joel Banner Baird, "Vermont Law School's Top 10: Environmental Watch List for 2014"
- ❖ Narrator in documentary film, 2011, "Crossing the Line: Defending Wisconsin's Environmental Commons" <http://www.youtube.com/watch?v=hmd0Ufl6Q78&feature=channel&list=UL>
- ❖ Milwaukee Journal Sentinel, May 25, 2009, quoted in Dan Egan and Larry Sandler, "Can Water Keep City Budget Afloat?"
- ❖ Chicago Tribune, January 13, 2009, quoted in Scott Bauer "Coalition Pushes Green Technology in Stimulus"

- ❖ GO: Air Tran Airways Inflight Magazine, February 2008, featured in Simon Van Booy, “Law of the Land: One Lawyer’s Love for the Environment Became a Career in Preservation”
- ❖ THIRST, 2007, quoted in Alan Smitow, et. al. Chapter 8 “When Nestle Comes”
- ❖ Sierra Magazine, Nov/Dec 2007, featured in Andrew Becker, “Hot Jobs for a Warming Planet”

#### **PROFESSIONAL SERVICE**

Environmental Law Section of the Wisconsin Bar Association, *Elected Board Member*

2010-2013

Sierra Club National Litigation Committee, *Elected Member*

2004-present

Midwest Environmental Advocates, *Board Member*

2010-present