

DAVID R. HODAS

Professor of Law

Widener University School of Law
4601 Concord Pike/P.O. Box 7474
Wilmington, DE 19803-0474 USA
(302) 477-2186
(302) 477-2257 (fax)
e-mail: drhodas@widener.edu

EDUCATION

LL.M. in Environmental Law (Feldschuh Fellow), Pace University (1989)
J.D., *cum laude*, Boston University (1976)
B.A., *cum laude* and honors in political science, Williams College (1973)

ACADEMIC/LEGAL EXPERIENCE

Since 2001 Professor, Widener University School of Law, Wilmington, DE
1989 - 2001 Associate Professor of Law, Widener University School of Law,
Wilmington, DE

* Teaching and Research in environmental law, administrative law, constitutional law,
international environmental law, energy/public utility law, enforcement of environmental
law, and sustainable development

* Symposium Chair and Faculty Editor, Vol. 3, WIDENER LAW SYMPOSIUM J., THE ROLE OF
LAW IN DEFINING SUSTAINABLE DEVELOPMENT (1998); and Vol. 9, No. 2, WIDENER LAW
SYMPOSIUM J., COMBATING TERRORISM IN THE ENVIRONMENTAL TRENCHES (2003)

* Established, and Directed (1989-1992), Widener University School of Law
Environmental Law Clinic

* Widener University School of Law International Law Institute, University of Nairobi,
Kenya, International Environmental Law (Summer 1992)

Adjunct Professor (2002 to present) Graduate College of Marine Studies, University of
Delaware, Newark

1977 – 1988 Potter, Carmine and Hodas, Wilmington, DE (private practice of
environmental, tort, construction and commercial law)

1976 – 1977 Assistant City Solicitor, City of Wilmington, DE

1976 Attorney, Criminal Tax Division, Office of the Chief Counsel, Internal Revenue
Service, Washington, DC

BAR MEMBERSHIP

Delaware (1976), U.S. Courts of Appeals for the 3rd & Federal Circuits, U.S. District Court for the District of Delaware

PUBLICATIONS

Books

ET AL., WHITE PAPER ON CLIMATE CHANGE (A.B.A. SEC. NAT. RESOURCES, ENERGY & ENVTL. L. 1996).

ENVIRONMENTAL COSTS OF ELECTRICITY, Prepared for New York State Energy Research & Development Authority & U.S. Department of Energy (Pace University Center for Environmental Legal Studies: with Richard L. Ottinger et al., eds., Oceana 1990).

CHAPTERS

State Initiatives, in GLOBAL CLIMATE CHANGE AND U.S. LAW (Michael. B. Gerrard, ed., American Bar Association 2007)

Appliance Energy Efficiency Labels and Standards, in UNEP HANDBOOK FOR DRAFTING LAWS ON ENERGY EFFICIENCY AND RENEWABLE ENERGY RESOURCES (Richard Ottinger and Adrian Bradbrook, eds., United Nations Environment Programme 2007)

Climate Change and Land Use in Africa, in LAND USE LAW FOR SUSTAINABLE DEVELOPMENT (Nathalie J. Chalifour, et al, eds. Cambridge University Press 2007)

Sustainable Development and the Marrakech Accords, in THE LAW OF ENERGY FOR SUSTAINABLE DEVELOPMENT Chapter 4 at 56 (Adrian J. Bradbrook et al. eds., Cambridge University Press 2005).

Energy, Climate Change and Sustainable Development, in ENERGY LAW AND SUSTAINABLE DEVELOPMENT 11 (Adrian J. Bradbrook & Richard L. Ottinger eds., IUCN 2003).

et al., *Committee on Climate Change and Sustainable Development: 1998 Annual Report*, in NAT. RESOURCES, ENERGY & ENVTL. L. 1998: THE YEAR IN REVIEW 224 (American Bar Association 1999).

et al., *Special Committee on Climate Change and Sustainable Development: 1997 Annual Report*, in NAT. RESOURCES, ENERGY & ENVTL. L. 1997: THE YEAR IN REVIEW 203 (American Bar Association 1998).

& Laura H. Kosloff, *Special Committee on Climate Change and Sustainable Development: 1996 Annual Report*, in NAT. RESOURCES, ENERGY & ENVTL. L. 1996: THE YEAR IN REVIEW 144 (American Bar Association 1997).

Using Environmental Externalities to Regulate the Risk of Harm from Greenhouse Gas Emissions, in SOCIAL COSTS AND SUSTAINABILITY 488 (O. Hohmeyer et. al. eds., Springer-Verlag 1997).

et al., *Special Committee on Global Climate: 1994 Annual Report*, in NAT. RESOURCES, ENERGY & ENVTL. L. 1994: THE YEAR IN REVIEW 165 (1995).

et al., *Special Committee on Global Climate: 1992 Annual Report*, in NAT. RESOURCES, ENERGY & ENVTL. L. 1992: THE YEAR IN REVIEW 187 (American Bar Association 1993).

The Externalities of Global Warming, in EXTERNAL ENVIRONMENTAL COSTS OF ELECTRIC POWER: ANALYSIS AND INTERNALIZATION 59, Proceedings of a German-American Workshop, Held at Ladenburg, FRG, Oct. 23-25, 1990 (Olav Hohmeyer & Richard L. Ottinger eds., Springer-Verlag 1991).

Global Warming, in ENVIRONMENTAL COSTS OF ELECTRICITY 127, Prepared for New York State Energy Research & Development Authority & United States Department of Energy (Pace University Center for Environmental Legal Studies: David R. Hodas et al. eds., Oceana 1990).

ARTICLES

Imagining the Unimaginable: Reducing United States Greenhouse Gas Emissions 40%, 26 VA. ENVIRONMENTAL L. J. (forthcoming 2008)

Ecosystem Subsidies of Fossil Fuels, 22 J. LAND USE AND ENVIRONMENTAL L. 599 (2007)

Changing course towards an energy-efficient future TRENDS (Nov/Dec 2007) 5-6

Environmental Law in a Climate Change Age, NAT. RESOURCES & ENV'T, Summer 2007, 46

State Law Responses to Global Warming: Is It Constitutional to Think Globally and Act Locally?, Symposium on Environmental Law and The Constitution, 21 PACE ENVTL. L. REV. 53 (2003), reprinted in DANIEL A. FARBER AND JIM CHEN, DISASTERS AND THE LAW: KATRINA AND BEYOND 312 (Aspen 2006)

The Challenge of High Priced Oil, NAT. RESOURCES & ENV'T, Fall 2005, 59

Executive Privilege and Energy Policy, NAT. RESOURCES & ENV'T, Winter 2005, 68

Standing and Climate Change: Can Anyone Complain About the Weather?, Florida State U. College of Law, Symposium Issue on Global Warming: 15/9 J. LAND USE & ENVTL. L. AND J. TRANSNATIONAL L. & POL'Y 451 (2000).

NEPA, Ecosystem Management and Environmental Accounting, 14 NAT. RESOURCES, ENERGY & ENV'T 185 (2000), reprinted in JOHN COPELAND NAGLE & J. B. RUHL, THE LAW OF BIODIVERSITY AND ECOSYSTEM MANAGEMENT 356 (Foundation Press 2002).

The Role of Law in Defining Sustainable Development: NEPA Reconsidered, 3 WIDENER L. REV. 1 (1998).

Sustainable Energy Law in Indian Country, PROCEEDINGS, ABA SECTION OF NATURAL RESOURCES, ENERGY, AND ENVIRONMENTAL LAW, 8TH ANNUAL CONFERENCE ON ENVIRONMENT AND DEVELOPMENT IN INDIAN COUNTRY, Albuquerque, NM (Nov. 7-8, 1996)

The Climate Change Convention and Evolving Legal Models of Sustainable Development, 13 PACE ENVTL. L. REV. 75 (1995).

Enforcement of Environmental Law in a Triangular Federal System: Can Three Not Be A Crowd When Enforcement Authority Is Shared by The United States, The States, and Their Citizens?, in Environmental Federalism Symposium, 54 MD. L. REV. 1552 (1995), reprinted in DANIEL A. FARBER ET AL., ENVIRONMENTAL LAW: CASES AND MATERIALS 409 (Thomson West 2006).

State Regulatory Responses to the Risk of Climate Change, PROCEEDINGS, THE 23RD ANNUAL CONFERENCE ON ENVIRONMENTAL LAW (Keystone, CO, March 10-13, 1994)

The Greening of America's Energy Policy--A View From the States: Public Utilities and Global Warming, PROCEEDINGS, ANNUAL MEETING OF AMERICAN BAR ASSOCIATION SECTION OF NATURAL RESOURCES, ENERGY, AND ENVIRONMENTAL LAW (Asheville, NC September 30, 1993)

Natural Resource Damages: a Research Guide, 9 PACE ENVTL. L. REV. 107 (1991).

et al., *Incorporating the Cost of Protecting the Environment into Decisions about Electric Power*, 1 PERSP. ENERGY 95 (1991).

Private Actions for Public Nuisance: Common Law Citizen Suits for Relief From Environmental Harm, 16 ECOLOGY L.Q. 883 (1989).

OTHER PUBLICATIONS

Vantage Point & Issue Editor, *Transboundary Conflicts Issue*, 21 NAT. RESOURCES & ENV'T, Summer. 2006.

Vantage Point & Issue Editor, *Examining the Clean Air Act Issue*, 18 NAT. RESOURCES & ENV'T, Spring 2004.

Foreword, 9 WIDENER L. REV. ii (2003).

Co- Issue Editor, *Constitutional Law Issue*, 17 NAT. RESOURCES & ENV'T, Summer. 2002.

Vantage Point & Issue Editor, *Climate Change Issue*, 15 NAT. RESOURCES & ENV'T, Spring 2001.

Foreword, 3 WIDENER L. REV. i (1998).

The Health Effects of Acid Aerosols (1989), unpublished paper, reviewed and reported on by Chernick and Caverhill in *Externality by Emission: Sulfur Dioxide*, in RICHARD L. OTTINGER, ET AL, ENVIRONMENTAL COSTS OF ELECTRICITY, Oceana Publications (New York 1990)

PRESENTATIONS

Sustainable Energy: An International Law Failure, at 5th Colloquium IUCN Academy of Environmental Law, *Rio +15: A Legal Critique of Ecological Sustainable Development*, Paraty, Brazil, 4 June 2007

The Role of Lawyers as Leaders in Addressing Climate Change, at *Global Warming: How the Law Can Best Address Climate Change*, 35th American Bar Association National Spring Conference on the Environment, Univ. of Maryland School of Law, Baltimore, MD, 8 June 2007

Legal Issues in Addressing Climate Change and Sustainable Energy, IUCN Academy Research Workshop, University of Ottawa Faculty of Law, Ottawa, Canada, 19-21 April 2007

The Role of Energy Efficiency in Climate Change Initiatives, at *Combating Climate Change: The Legal Issues of Alternative Energy*, Symposium, Albany Law School, Albany, NY, 18 April 2007

Imagining the Unimaginable: Reducing United States Greenhouse Gas Emissions 40%, at *Global Climate Change: Individual, Private Sector, and State Responses*, Symposium, University of Virginia School of Law, Charlottesville, VA, 23 March 2007

Moderator, Motivating Behavior – Compliance and Beyond: The Role of Culture and Custom, 4th Colloquium, *IMPLEMENTING ENVIRONMENTAL LEGISLATION: The Critical Role of Enforcement and Compliance*, IUCN Academy of Environmental Law, Pace University School of Law, White Plains, NY, 16 October 2006

Conference chair and session moderator, 34th American Bar Association National Spring Conference on the Environment, *Ecosystems, Infrastructure and the Environment: Reconciling Law, Policy and Nature*, University of Maryland Law School, Baltimore, MD, 9 June 2006.

Energy and Ecosystem Services, at *The Law and Policy of Ecosystem Services: A Symposium*, Florida State University School of Law, 7-8 April 2006

The Burger Court: Pentagon Papers, Watergate, and Snail Darters, Univ. of Delaware Academy of Lifelong Learning, Wilmington De, 14 March 2006

Biodiversity and Climate Change: A Failure to Communicate, 3^d Colloquium, *Biodiversity, Law and Livelihoods: Bridging the North-South Divide*, IUCN Academy of Environmental Law, Macquarie University, Sydney, Australia 10-14 July 2005

Climate Change and Land Use in Africa, Colloquium, *Land Use for Sustainable*

Development, IUCN Academy of Environmental Law, Univ. of Nairobi, Nairobi, Kenya, 4-7 Oct. 2004

State and Local Responses to Climate Change, *Developing Sustainable Communities*, 4th Goddard Forum Penn State University School of Forest Resources, Harrisburg, PA 12 May 2004

Commentary, Symposium, *Facing Climate Change: Toole & Opportunities for Pennsylvania*, Widener Univ. School of Law, Harrisburg PA, 25 March 2004

Moderator, Interstate Battles Over Water Panel, *Water Wars in the East: The Newest Legal Battlefield*, 31st American Bar Association National Spring Conference on the Environment, University of Maryland Law School, Baltimore MD, 30 May 2003

Sustainable Energy and the Marrakech Accords, Colloquium, *The Law of Energy for Sustainable Development*, IUCN Academy of Environmental Law, Faculty of Law, Shanghai Jiao Tong University, Shanghai, China, 4-6 Nov. 2003

The Science, Policy and Law of Climate Change (Briefly), American Bar Association Standing Committee on Environmental Law, Wilmington, DE, 5 October 2002

The Science, Policy and Law of Climate Change, Marine Policy Seminar, College of Marine Studies, Marine Policy Program, University of Delaware, 19 September 2002

Climate Change, Kyoto and the Role of Lawyers, Delaware Valley Environmental American Inn of Court, Philadelphia, PA, 24 October 2001

Bush v. Gore: A Debate Before the Delaware Supreme Court (en banc), Delaware State Bar Association Annual Bench and Bar Conference, Wilmington DE, 6 June 2001

The Unethical Client: Deposition Issues, Delaware Valley Environmental American Inn of Court, Philadelphia, PA, 27 January 1999

Invited Participant and Commentator (State Legislative Proposal session), Workshop, Protecting Future Generations: The Legislative/Litigation Strategy, Pace University School of Law Center for Environmental Legal Studies, White Plains, NY, 30 March 1998

May A Lawyer Accept Stock in a Client('s) Corporation As A Legal Fee? at Delaware State Bar Assoc., Fundamentals of Lawyer-Client Relations, 7 May 1997, Wilmington, DE

Sustainable Energy Law in Indian Country, at ABA Section of Natural Resources, Energy, and Environmental Law, 8th Annual Conference on Environment and Development in Indian Country, 7-8 Nov. 1996, Albuquerque, NM

Symposium organizer, moderator, and presenter, *Law, Externalities and Sustainable Development*, WIDENER LAW SYMPOSIUM JOURNAL Symposium, The Role of Law in

Defining Sustainable Development, Wilmington DE, 22 Nov 1996 (cosponsored by the ABA Section of Natural Resources, Energy and Environmental Law, and presented in cooperation with the ABA Standing Committee on Environmental Law)

Using Environmental Externalities to Regulate the Risk of Harm From Greenhouse Gas Emissions, 3d International Conference on Environmental Externalities: Social Costs of Energy Conversion and Transportation in the United States and Europe for a Sustainable Development, 27-30 May, 1995, Ladenburg, Germany

Enforcement and Implementation of Federal Environmental Law: Federal, State and Citizen Enforcement, at the 1995 Quinn, Ward and Kershaw Environmental Symposium, University of Maryland Law School, 7 April 1995, Baltimore, MD.

The Climate Change Convention and Evolving Models of Sustainable Development, at Colloquium, The Post-Rio Treaties, Pace University School of Law, September 1994

Implementing the Framework Convention on Climate Change: Implications for Domestic Environmental Law, ABA Section of Natural Resources, Energy and Environmental Law, 23rd Conference on Environmental Law, Keystone, CO, 10-13 March 1994

The Greening of America's Energy Policy, Annual Meeting of the ABA Section of Natural Resources, Energy and Environment, Asheville, NC, 30 September 1993

Quantifying Environmental Externalities: Good Environmental Policy or a Regulatory Black Hole?, panel cosponsored by Special Committee on Global Climate of the ABA Section on Natural Resources, Energy and Environment and Environmental Committee of the Federal Energy Bar Association, Washington, DC, 22 June 1993

Environmental Externalities, Climate Change, and Public Utility Law: Old Problems, New Directions, Utility Reform Seminar: Electric Utilities and the Environment, Pace University School of Law, White Plains, NY, 8 March 1993.

Employer Trip Reduction Programs under §182 of the 1990 Clean Air Act Amendments, Environmental Law Section, Delaware State Bar Association, Wilmington, DE, 17 November 1992.

Structuring a Course in International Environmental Law, at American Society of International Law, International Environmental Law Interest Group, Workshop "Teaching International Environmental Law," at Institute of Comparative Law, McGill University, Montreal, Quebec, Canada, 26 October 1992.

Commentator and Participant, 2nd International Conference, Incorporation of Social Costs of Energy in Resource Acquisition Decisions, convened by Pace University Center for Environmental Legal Studies and Fraunhofer-Institut Für Systemtechnik und Innovationsforschung, sponsored by The German Marshall Fund of the United States and The Johnson Foundation, at Wingspread, Racine, WI, 8-11 Sept. 1992.

The Role of Environmental Externalities in State Energy Policy, State of Indiana, Indiana Energy Policy Forum, Indiana Government Center South, Indianapolis, Indiana, 21 May 1992.

Suing Polluters: The Role of Citizen Enforcement in a Federalist System, Widener University School of Law Faculty Development, 11 November 1991.

Law and Environmental Externalities, World Bank Environment Department, Washington, DC, 13 September 1991

International Environmental Law and the Global Commons, World Bank Legal Dept., Washington, DC, 21 June 1991

Co-chair and Speaker on Clean Air Act Amendments of 1990, Delaware State Bar Association Continuing Legal Education Seminar on Environmental Law, Wilmington, DE, 22 April 1991

Participant and Paper Presenter, *The Externalities of Global Warming* at German-American Workshop, External Environmental Costs of Electric Power, sponsored by The German Marshall Fund of the United States and The Gottlieb-Daimler und Karl Benz-Stiftung, Ladenberg, Germany, 23-25 October 1990.

PROFESSIONAL/COMMUNITY ACTIVITIES

Chair, Delaware Governor's Energy Advisory Council, 2004 – present

IUCN Academy of Environmental Law, Research Committee (2007 - present); Widener University School of Law Collegium Representative (2003 – present)

Environmental Law Commission, IUCN-The World Conservation Union, 1994-present; member of Energy Specialist Working Group, 2000-present

Editorial Board, American Bar Association Section of Environment, Energy and Resources, *NATURAL RESOURCES AND ENVIRONMENT*, 1997 - present; Issue Editor Vol. 21 Summer 2006 (Transboundary Conflicts), Vol. 18 Winter) 2004 (Examining the Clean Air Act, Vol. 17 Summer 2002 (Constitutional Law), Vol. 15, Number 3 Winter 2001 (Climate Change); Articles Editor for Vol. 14, Number, 3 Winter 2000 (Ecosystem Management), Vol. 12, Number 4, Spring 1998 (Energy Restructuring) and Vol. 12, Number 2, Fall 1997 (Sustainable Development)

Standing Committee on Environmental Law, American Bar Association, 2001 – 2006; Planning Committee Chair, 34th American Bar Association National Spring Conference on the Environment, *Ecosystems, Infrastructure and the Environment: Reconciling Law, Policy and Nature*, held at the University of Maryland Law School, June 9, 2006.

American Bar Association Section of Environment, Energy and Resources, Committee on Global Climate and Sustainable Development, Chair 1994-1996, Vice-chair, 1992-1994, and 1996- 2001

Peer reviewer, National Oceanic and Atmospheric Administration, National Sea Grant

Law Center, University of Mississippi, 2007 Grants Competition

Master, Delaware Valley Environmental American Inns of Court, 1996-present

Credentialed Delegate for IUCN-The World Conservation Union , United Nations Economic and Social Council, Ad Hoc Open-Ended Intergovernmental Group of Experts on Energy and Sustainable Development, 1st Session, March 6-10, 2000, and 2d Session February 26 - March 2, 2001

Credentialed Delegate for IUCN-The World Conservation Union, United Nations Economic and Social Council, Commission on Sustainable Development, 9th Session, Multi-stakeholder dialogue on sustainable energy and transport, April 16-20, 2001

Advisory Board, Pace University Center for Environmental Legal Studies, 1989 to

Global Warming Dialogue, Center for Clean Air Policy, Washington, DC, 1989 to 2000

Offsets Forum, Center for Clean Air Policy, Washington, DC, 1993 to 2000

City of Wilmington, DE Emergency Planning Committee, 1990 to present

World Forestry Agreement Working Group, Energy and Environment Study Institute, Washington, DC, 1990 to 1992

National panel of commercial and construction law arbitrators of the American Arbitration Association, and member of the panel of arbitrators established by the joint agreement between AAA and Clean Sites, Inc. for the arbitration and mediation of disputes relating to Superfund matters, 1982 to 1994

Continuing Legal Education Committee of the Delaware State Bar Association (1987-1988, Chair, Special Program Subcommittee), 1984 - 1988 (member of Delaware Bar Association since 1976)

Delaware Counsel for Mondale; Mondale/Ferraro, 1983-1984

Board Member, Delawareans for Energy Conservation (charter member organization of the Energy Coalition) (1979 - 1983)

Delaware Governor's Council on the Needs of Exceptional Citizens (1979 - 1981)