

## JOSEPH M. FELLER

College of Law  
Arizona State University  
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For Academic Year 2010 - 11:  
University of Colorado Law School  
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Boulder, CO 80309  
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**Bar Admission:** California, 1985  
Ninth and District of Columbia Circuits, 1986  
Court of Federal Claims, 1999  
Arizona, 2002  
Colorado, 2010

**Education:** J.D. *magna cum laude*, Harvard Law School, 1984  
*Harvard Law Review*  
Editor, 1982 - 1984  
Chairman, Supreme Court Office, 1983  
*Harvard Environmental Law Review*  
Assistant Editor, 1981 - 1982  
Beale Prize for Best Examination in Conflict of Laws, 1983 - 1984  
Ph.D. in Physics, University of California at Berkeley, 1979  
DuPont Prize for Outstanding Teaching in Physics, 1976  
B.A. *cum laude* in Physics, Harvard University, 1975

**Legal Employment:** Visiting Professor of Law, University of Colorado, 2010 - 2011  
Visiting Senior Counsel, National Wildlife Federation,  
2008 - 2009  
Professor of Law, Arizona State University, 1992 -  
Subjects Taught: Environmental Law  
Natural Resources Law  
Public Lands Management  
Property  
Water Law  
Civil Procedure  
Western River Management: Law & Science  
Western Forest and Range Management: Law & Science  
Civil Practice Clinic  
Associate Professor of Law, Arizona State University, 1987 - 1992  
Attorney, Office of General Counsel, U.S. Environmental Protection  
Agency, Washington, D.C., 1986 - 1987  
Bronze Medal for Commendable Service  
Law Clerk to Hon. Joseph T. Sneed, U.S. Court of Appeals for the Ninth  
Circuit, 1984 - 1985

**Scientific**

**Employment:** Assistant Professor of Physics, Columbia University, 1980 - 1981  
Research Associate in Physics, Columbia University, 1979 - 1980

**Professional  
Service:**

Faculty Fellow, Center for the Study of Law, Science, and Technology,  
Arizona State University  
Member Scholar, Center for Progressive Reform  
Trustee, Rocky Mountain Mineral Law Foundation  
Litigation Committee, Defenders of Wildlife  
Professional Editorial Board, *Jurimetrics Journal of Law, Science and  
Technology*  
Faculty Senator, Arizona State University (1999 - 2001)  
Advisory Committee, ASU Center for Environmental Studies (1995 -  
1996)  
Advisory Committee, Environmental Law and Science Curriculum  
Development Project, University of Maryland, (1994 - 1995)  
Steering Committee and Public Advisory Committee, Arizona  
Comparative Environmental Risk Project (gubernatorial  
appointment)  
(1994 - 1996)  
Book Review Editor, *Jurimetrics Journal of Law, Science and Technology*  
(1992 - 1994)  
Faculty Adviser, ASU National Environmental Law Moot Court Team  
(1988 -1992, 1995 - 2000)  
Board of Directors, Arizona Center for Law in the Public Interest,  
(1989 - 1991)

**Honors and  
Awards:**

2000 National Conservation Achievement Award, National Wildlife  
Federation  
1993 Sol Feinstone Environmental Award, College of  
Environmental Science and Forestry, State University of New  
York  
1992 Conservation Award, Arizona Wildlife Foundation

**Publications****A. Legal Publications**

*Sales of Public Land: A Problem in Legislative and Judicial Control of Administrative Action*, 96 HARV. L. REV. 927 (1983).

*Case Comment, Criminal Sentencing of Indigents: Bearden v. Georgia*, 97 HARV. L. REV. 86 (1983).

*Impeachment and Trial in Arizona: Some Key Issues*, ARIZONA BAR BRIEFS, March, 1988, at 1.

*The Western Wing of Kafka's Castle (Ruminations on Public Lands Livestock Grazing)*, HIGH COUNTRY NEWS, March 12, 1990, at 9.

*Overview of Major Federal Environmental Statutes and Related Arizona Statutory Provisions*, CENTER FOR THE STUDY OF LAW, SCIENCE, AND TECHNOLOGY RESEARCH REPORT No. 91.1 (1991).

HOW NOT TO BE COWED: AN OWNERS' MANUAL TO LIVESTOCK GRAZING ON THE PUBLIC LANDS (1991) (with Ken Rait, Rose Strickland, and Johanna Wald).

*Grazing Management on the Public Lands: Opening the Process to Public Participation*, 26 LAND & WATER L. REV. 571 (1991).

*Non-Threshold Pollutants and Air Quality Standards*, 24 ENV'T'L L. 821 (1994).

*What Is Wrong With the BLM's Management of Livestock Grazing on the Public Lands?*, 30 IDAHO L. REV. 555 (1994).

*'Til the Cows Come Home: The Fatal Flaw in the Clinton Administration's Public Lands Grazing Policy*, 25 ENV'T'L L. 703 (1995).

*The Comb Wash Case: The Rule of Law Comes to the Public Rangelands*, 17 PUBLIC LAND & RESOURCES L. REV. 25 (1996)

*Recent Developments in the Law Affecting Livestock Grazing on Western Riparian Areas*, 18 WETLANDS 646 (1998).

*Legal Constraints on Public Land Livestock Water Developments: NEPA, FLPMA, MUSYA and the Wilderness Act*, in PROCEEDINGS OF THE SYMPOSIUM ON ENVIRONMENTAL, ECONOMIC, AND LEGAL ISSUES RELATED TO RANGELAND WATER DEVELOPMENTS (1998).

*The Laws of the Rivers* (book review), 6 RIVERS 214 (1998).

*Public Participation Under NEPA*, in THE NEPA LITIGATION GUIDE (American Bar Association, 1999).

*From Old-Growth Forests to Old-Growth Grasslands: Managing Rangelands for Structure and Function*, 42 ARIZ. L. REV. 319 (2000) (with David E. Brown).

*Back to the Present: The Supreme Court Refuses to Move Public Range Law Backward, but Will the BLM Move Public Range Management Forward?*, 31 ENV'T'L L. REP. 10021 (2001).

*Equal Footing, The Public Trust, and Arizona's Rivers*, 14 Arizona Riparian Council 1 (June 2001).

*Recent Developments in the Law of Federal and Indian Reserved Water Rights*, 48th Annual Rocky Mountain Mineral Law Institute (2002).

*Multiple Use Grazing Management in the Grand Staircase-Escalante National Monument* (2003) (with James Catlin, Joro Walker, Allison Jones, and John Carter).

*The BLM's Proposed New Grazing Regulations: Serving the Most Special Interest*, 24 J. LAND, RESOURCES, & ENV'T'L L. 241 (2004).

*Ride 'Em Cowboy: A Critical Look at BLM's Proposed New Grazing Regulations*, 34 ENV'T'L L. 1123 (2004).

*The Adjudication that Ate Arizona Water Law*, 49 ARIZ. L. REV. 405 (2007).

*Over Collaborative Management of Glen Canyon Dam: The Elevation of Social Engineering Law*, 8 NEVADA L.J. 896 (2008).

*Making It: The Legend of Wayne Hage*, 12<sup>th</sup> Annual Conference on Litigating Regulatory Takings Challenges to Land Use and Environmental Regulations, Stanford School (2009)

*Rethinking Grazing Law*, in CLIMATE CHANGE (W. Rodgers et al., eds., forthcoming 2010)

*Are Judges Biased Towards the Environment?* (in progress)

**B. Scientific Publications**

(Numerous articles on experimental elementary particle physics in *Physical Review Letters*, *Transactions on Nuclear Science*, *Research/Accelerators*, and *Lettere al Nuovo Cimento*, 1973 - 1979).

**Presentations**

I have been an invited speaker at numerous legal and scientific meetings, institutes, conferences, and symposia since 1990, typically speaking several times each year. I have not kept a complete list of such presentations. My presentations in the last two years have included the following:

*Collaborative Management of Glen Canyon Dam: The Elevation of Social Engineering Over Law*, Conference on the Law of the Colorado River, Reno, Nevada, June 2008.

*Collaborative Management of Glen Canyon Dam: The Elevation of Social Engineering Over Law*, Rocky Mountain Mineral Law Foundation Annual Institute, Snowmass, CO, July 2008.

*The Wayne Hage Takings Litigation*, Conference on Litigating Regulatory Takings Claims, Stanford Law School, November 2008.

*Whiskey Is for Drinkin', Water Is for Fightin': Current Fights over Western Water*, Appellate Judges Education Institute, Scottsdale, Arizona, November 2008.

*Glen Canyon Dam -- Historic Uses, Modern Challenges*, Colorado River Water Users Association Annual Conference, Las Vegas, Nevada, December 2008.

*The Endangered Species Act and Takings*, Conference of Western Attorneys General Water Law Conference, Colorado Springs, Colorado, April 2010

*Grazing on the Public Lands*, Clyde Martz Summer Conference, Natural Resources Law Center, University of Colorado, Boulder, Colorado, June 2010

**Pro-Bono Litigation**

I have represented regional and national conservation organizations in cases before the United States Supreme Court, United States District Courts and Courts of Appeals, the Court of Federal Claims, administrative law judges, and the Interior Board of Land Appeals. Organizations that I have represented include the National Wildlife Federation, the Arizona Wildlife Federation, The Wilderness Society, the Natural Resources Defense Council, the Southern Utah Wilderness Alliance, the Maricopa Audubon Society, the Yuma Audubon Society, and the Sierra Club. I have litigated issues arising under the National Environmental Policy Act (NEPA), the Federal Land Policy and Management Act (FLPMA), the Wilderness Act, the Taylor Grazing Act, and the Clean Water Act.