LAW REVIEW AND OTHER SCHOLARLY PUBLICATIONS


OPINION EDITORIALS

“Keeping Control of the Bureaucrats,” Financial Times (June 20, 2000)


“An Injudicious Intrusion into the Political Realm,” Financial Times (March 31, 2005) (with Ross Sandler)


“Saving Our Environment from Washington,” Washingtonpost.com, (September 21, 2006)

“Saving Our City from D.C.,” New York Sun (December 12, 2006)

“What’s Next on Global Warming?”, Wall Street Journal (April 5, 2007)


“Responsibility for War a la Carte,” Huffington Post (Sept. 12, 2013)

MAGAZINE ARTICLES

“Confessions of an Ex-Elitist,” Commentary (Nov. 1999) at 36

“The Regulatory Thicket,” City Journal (Autumn 2011) at 122

OTHER PUBLICATIONS IN MAGAZINES AND PERIODICALS

“Air Act Needs Rules, Not Goals,” Environmental Forum (June 1983) at 3(with Angus Macbeth)


“Legislating Ideals,” PERC Reports (March, 1999)


“Let the Locals Rule Their Home Environments,” In Brief (Fall/Winter, 1999) at 8


Soundings, “Free from Decree,” City Journal, (Summer 2009) (with Ross Sandler)

MISCELLANEOUS PUBLICATIONS

“Subway Scofflaws: A Proposal to Improve Enforcement Against Farebeating and other Minor Offenses,” (Natural Resources Defense Council, Dec. 1983) (with Steven Reiss and Ross Sandler) check for duplicate****


“Project Report,” (Breaking the Logjam: Environmental Reform for the New Congress and Administration, A Project of New York Law School and NYU School of Law, February, 2009) (with Richard B. Stewart and Katrina M. Wyman)


“Rescuing the Clean Air Act from Obsolescence,” AEI Energy and Environment Outlook, March 2011 (with Melissa Witte), http://www.aei.org/outlook/101029

LITIGATION (SELECTED)

Lead counsel for environmental groups in campaign to force the United States Environmental Protection Agency to regulate lead in gasoline in order to protect health,
culminating in *Ethyl Corp. v. EPA*, 541 F.2d 1 (D.C. Cir.) (en banc), certiorari denied 426 U.S. 941 (1976)

Lead counsel for environmental groups in campaign to force the United States Environmental Protection Agency to set an ambient air standard for lead, culminating in *NRDC v. Train*, 545 F.2d 320, 328 (2d Cir. 1976) and *Lead Industries Ass’n v. EPA*, 647 F.2d 1130 (D.C. Cir. 1980), certiorari denied 449 U.S. 1042 (1980)

Amicus Brief in *Whitman v. American Trucking Assoc.*, 531 U.S. 457 (2001), filed in United States Supreme Court, 2000 (with Marci Hamilton)

Amicus Brief in support of petition for certiorari in *Horne v. Flores*, filed in United States Supreme Court, 2008 (with many others)

Amicus Brief on merits in *Horne v. Flores*, filed in United States Supreme Court, 2009 (with many others)

**LEGISLATIVE TESTIMONY**


**TALKS (SELECTED)**


Panel on delegation, American Political Science Association annual convention, Atlanta, Sept. 4, 1999
Panel on delegation, Federalist Society Annual Convention, Washington, D.C. Nov. 11, 1999


“Environmentalists and Left-of-Center Academics – Not on the Same Page,” Mont Pelerin Society Biennial International Meeting, Salt Lake City, April 14-19, 2004

“Saving Our Environment from Washington,” Environmental Law Institute, Washington, D.C., April 21, 2005


Panel on injunctions, American Association of Law Schools annual meeting, San Francisco, California, January 3, 2007


Participant, “The Clean Air Act and Climate Change: Considering Cost-Effective Approaches,” Nicholas Institute, Duke University, March 17, 2010

Keynote Speaker, Energy Technology Conference, Ardour Capital Investments, New York, N.Y., Sept. 16-2010, 2010