

MARC RAYMOND POIRIER

CURRICULUM VITAE

Seton Hall University School of Law  
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Academic  
Employment  
and Interests

Professor, Seton Hall University School of Law, Newark, NJ  
1991 - present; full professor since fall 1998; tenured since fall  
1996; Martha Traylor Research Fellow, 2007 - present

Visiting Professor, Case Western Reserve University School of  
Law, Cleveland, OH, spring 2001

Visiting Professor, Washington & Lee University School of Law,  
Lexington, VA, fall 1998

Visiting Professor, Lewis & Clark Northwestern School of Law,  
Portland, OR, summer 1998

Current or recent courses: administrative law; property; BP oil  
spill seminar (winter intensive course taught in New Orleans);  
property, law, and society (seminar); environmental law survey;  
law and sexuality (seminar and course); First Amendment survey

Current research interests: property theory; natural resource  
management (coastal & ocean); property, place, and identity; legal  
geography; environmental justice; same-sex marriage and same-  
sex couples; hate crimes; contemplative lawyering

Director, Coastal Law, Land Use, and Environment Initiative

Prior  
Employment

Spiegel & McDiarmid, Washington, DC  
Partner, 1985-1990, Associate, 1978-1985  
Areas of specialization: administrative law and litigation,  
hydroelectric project licensing, other electricity regulatory matters,  
and related contract, environmental (water) and antitrust issues

Education

Yale Law School, LL.M. 1991  
Harvard Law School, J.D. 1978, cum laude;  
Articles Editor, Harvard International Law Journal  
Yale University, B.A. 1974, magna cum laude;  
major in literature with departmental honors

Publications

Scholarly Publications:

“Whiffs of Federalism” in *Windsor v. United States: Power, Localism, and Kulturkampf*, 85 COLO. L. REV. 935 (2014)

Tony MacDonald & Marc R. Poirier, *Regional Ocean Governance Symposium: Legal and Policy Solutions for the Mid-Atlantic Ocean – Introduction to the Special Issue*, 6(1) SEA GRANT LAW & POLICY JOURNAL 1 (2013), available at <http://nsglc.olemiss.edu/sglpj/archive/vol6.1>

Marc R. Poirier, *Brazilian Regularization of Title in Light of the Right of Moradia, Compared to United States Understandings of Homelessness and Homeownership*, 44 U. MIAMI INTER-AM. LAW REV. 259 (2013)

Marc R. Poirier, *One L in a Different Voice: Becoming a Gay Male Feminist at Harvard Law School*, 78 U. MO. K.C. L. REV. 1063 (2010)

Marc R. Poirier, *Essay, Place, Space, and Territory as Frontiers for LGBTQ Scholarship*, 19 LAW & SEXUALITY 108 (2010)

Marc R. Poirier, *Name Calling: Identifying Stigma and the “Civil Union” / “Marriage” Distinction*, 41 CONN. L. REV. 1425 (2009)

Marc R. Poirier, *Microperformances of Identity: Visible Same-Sex Couples and the Marriage Controversy*, 15 WASH. & LEE J. C. R. & SOC. J. 3 (2008)

Marc R. Poirier, *Gender, Place, Discursive Space: Where is Same-Sex Marriage?*, 3 FLA. INT’L U. L. REV. 307 (2008)

Marc R. Poirier, *Natural Resources, Congestion and the Feminist Future: Aspects of Frischmann’s Theory of Infrastructure Resources*, 35 ECOLOGY L.Q. 179 (2008)

Marc R. Poirier, *The Cultural Property Claim within the Same Sex Marriage Controversy*, 17 COLUMBIA J. GENDER & L. 343 (2008) [winner, Dukeminier Award (Williams Institute & UCLA Law School), one of the four best articles on sexual orientation, gender identity, and law, 2008]

Publications

(continued)

Marc R. Poirier, *Same-Sex Marriage, Identity Processes, and the Kulturkampf: Why Federalism is Not the Main Event*, 17 TEMPLE POLITICAL & CIVIL RIGHTS L. REV. 387 (2008)

Marc R. Poirier, *A Very Clear Blue Line: Behavioral Economics, Public Choice, Public Art and Sea Level Rise*, 16 SOUTHEASTERN ENV'T L. 83 (2008)

Marc R. Poirier, *Federalism and Localism in Kelo and San Remo*, in PRIVATE PROPERTY, COMMUNITY DEVELOPMENT, AND EMINENT DOMAIN 101 (Robin Paul Malloy ed., 2008)

Marc R. Poirier, *Piecemeal and Wholesale Approaches Towards Marriage Equality in New Jersey: Is Lewis v. Harris a Dead End or Just a Detour?*, 59 RUTGERS L. REV. 291 (2007)

Marc R. Poirier, *Modified Private Property: New Jersey's Public Trust Doctrine, Private Development and Exclusion, and Shared Public Uses of Natural Resources*, 15 SOUTHEASTERN ENV'T L. 71 (2006)

Marc R. Poirier, *Is Cognitive Bias at Work a Dangerous Condition on Land?*, 7 EMPLOYEE RIGHTS & EMPLOYMENT L. J. 459 (2003)

Marc R. Poirier, *The NAFTA Chapter 11 Expropriation Debate Through the Eyes of a Property Theorist*, 35 ENV'T L. 851 (2003) [nominated as one of the twenty best land use and environmental law review articles of 2003]

Marc R. Poirier, *Hastening the Kulturkampf: Boy Scouts of America v. Dale and the Politics of American Masculinity*, 12 LAW & SEXUALITY 271 (2003) [winner, Dukeminier Award (Williams Institute & UCLA Law School), one of the three best articles on sexual orientation, gender identity and law, 2003]

Marc R. Poirier, *"It Was the Best of Times, It Was the Worst of Times...:" Science, Rhetoric and Distribution in a Risky World*, 53 CASE W. RES. L. REV. 409 (2002)

Publications

(continued)

Marc R. Poirier, *The Virtue of Vagueness in Takings Doctrine*, 24 CARDOZO L. REV. 93 (2002)

Marc R. Poirier, *Gender Stereotypes at Work*, 65 BROOKLYN L. REV. 1073 (1999)

Marc R. Poirier, *Introduction: Facing the Passaic*, 29 SETON HALL L. REV. 1 (1998)

Marc R. Poirier, *Property, Environment, Community*, 12 J. ENVT'L L. & LIT. 43 (1997)

Marc R. Poirier, *Wetlands and Land Use*, in DAVID D. FURMAN, CASEBOOK ON ZONING, PLANNING & LAND USE LAW IN NEW JERSEY 357 (1996)

Marc R. Poirier, *Environmental Justice and the Beach Access Movements of the 1970s in Connecticut and New Jersey: Stories of Property and Civil Rights*, 28 CONN. L. REV. 719 (1996)

Marc R. Poirier, *On Whose Authority?: Linguists' Claim of Expertise to Interpret Statutes*, 73 WASH. U. L.Q. 1025 (1995)

Marc R. Poirier, *Environmental Justice / Racism / Equity: Can We Talk?*, 96 W.VA. L. REV. 1083 (1994)

Marc R. Poirier, *Takings and Natural Hazards Policy: Public Choice on the Beachfront*, 46 RUTGERS L. REV. 243 (1993)

Marc R. Poirier & Jane Hardin, *Public Preference and the Relicensing of Hydroelectric Projects*, 21 HARV. J. LEGIS. 459 (1984)

Steven Jacobs & Marc R. Poirier, Note, *The Right to Veto United Nations Membership Applications: The United States Veto of the Viet-Nams*, 17 HARV. INT'L L.J. 581 (1976)

Works in Progress

“Solidifying LGBT Identity: Things, Places, and Neighborhoods”

“Perilous Property: Takings, Givings, *Harvey Cedars v. Karan* and Climate Change”

“Why the Boy Scouts Can’t Jump: Politicized Identity, Cultural Property, and the Governance of an Anti-Gay Brand”

“On Teaching Law Students to Meditate”

Book chapter, co-authored with Barry Magid, M.D., on the limits of presenting mindfulness as a clinical or self-care technique, to be published in an anticipated volume on ZEN MINDFULNESS

“Centralizing Marginality in Property Theory”

“Did Dharun Ravi Commit a Bias Crime?”  
[also projected as a book chapter in *Hate Crimes as Territory*]

“Hate Crimes and Narratives of Community”  
[also projected as a book chapter in *Hate Crimes as Territory*]

“Hate Crimes and the Nomosphere”  
[also projected as a book chapter in *Hate Crimes as Territory*]

Professional Publications

Marc R. Poirier, *Seton Hall Hosts Debate on Marriage Equality*, 4(3) NEW JERSEY GAY, LESBIAN, BISEXUAL AND TRANSGENDER RIGHTS NEWSLETTER, February 2012, at 4

Marc R. Poirier, *Beach Access*, in THE ENCYCLOPEDIA OF NEW ENGLAND 906 (Burt Feintuch & David H. Watters eds., Yale University Press, 2005) [entry on the law of beach access in the New England states]

Marc R. Poirier, Putting *Lawrence v. Texas* to Work, SALT EQUALIZER, August 2003, at 2, available at [www.saltlaw.org](http://www.saltlaw.org)

Marc R. Poirier et al., *Environmental Laws and Regulations*, Manual for U.S. Army Corps of Engineers PROSPECT Course (1998, 2001)

Professional Publications  
(continued)

Marc R. Poirier, *Yet Another Minor Earthquake in the Law of Regulatory Takings: Palazzolo v. Rhode Island*, 23:2 THE COASTAL SOCIETY BULLETIN 1 (2001), available at [http://www.mli.usm.maine.edu/TCS\\_2001\\_2rep.pdf](http://www.mli.usm.maine.edu/TCS_2001_2rep.pdf)

Marc R. Poirier, *Hudson River Walkway project survives takings challenge, thanks to the New Jersey public trust doctrine*, 23:1 THE COASTAL SOCIETY BULLETIN 26 (2001)

Marc R. Poirier, Book Review, LYNTON CALDWELL, THE NATIONAL ENVIRONMENTAL POLICY ACT (1998), 5 ENVIRONMENTAL HISTORY 578 (2000)

Marc R. Poirier, *The Clean Water Act*, ENVIRONMENTAL LAW PRACTICE GUIDE (Matthew Bender, 2000 revision)

Marc R. Poirier, *Regulatory Takings Doctrine*, ENVIRONMENTAL LAW PRACTICE GUIDE (Matthew Bender, March, 1999 revision) [new chapter]

Marc R. Poirier, *Egypt's Environmental Challenge*, 20:1 THE COASTAL SOCIETY BULLETIN 26 (1998)

Marc R. Poirier, *Will We Ever Get Clear Rules About Takings?*, NEW JERSEY BAR ASSOCIATION ENVIRONMENTAL LAW SECTION NEWSLETTER, June, 1993, at page 1

*Report of the [Federal Energy Bar Association] Committee on Part I Regulations* [hydroelectric regulation], 10 ENERGY L.J. 399 (1989) [as Committee President, I substantially authored this report]

Daniel Schnee & Marc R. Poirier, *Revival of Federalism May Be Reflected by Court's Abstention*, LEGAL TIMES (Washington, D.C.), Jan. 12, 1987, p. 15

*Report of the [Federal Energy Bar Association] Committee on Regulation under Part I of the Federal Power Act* [hydroelectric regulation], 4 ENERGY L.J. 305 (1983) [ghost-written in its entirety for my partner James N. Horwood]

Other Publications

Guest blogger, CONCURRING OPINIONS, October, 2013; April, 2010

Jim Namiotka, *Lifting the Ban on Gays is Weighty Decision*, THE STAR-LEDGER (Newark, NJ), February 10, 2013 (Q & A interview with Marc R. Poirier, re Boy Scouts' LGBT exclusion policy)

*Examining the Bias Charge in the Tyler Clementi Case: A Q&A* THE STAR-LEDGER, September 11, 2011 (Newark, NJ) (interview with Marc R. Poirier), available at [http://blog.nj.com/njv\\_editorial\\_page/2011/09/examining\\_the\\_bias\\_charge\\_in\\_t.html](http://blog.nj.com/njv_editorial_page/2011/09/examining_the_bias_charge_in_t.html)

Marc R. Poirier, *Clutter and the Matter of Life and Death*, in NEXT TO GODLINESS: FINDING THE SPIRITUALITY IN HOUSEKEEPING 58 (Alice Peck ed., 2007), available at <http://ordinarymind.com/html/marc.html>

Paula Franzese & Marc Poirier, *Jersey's chance for eminent domain reform: Plan must restrict the power and increase fairness*, THE STAR-LEDGER (Newark, NJ), June 21, 2006, p. 15

Speeches & Presentations

October, 2014, College of William & Mary Marshall-Wythe School of Law, Brigham-Kanner Property Rights Conference, Panelist, “Property Rights versus Community Rights,” paper entitled “Property, Process, and *Koontz*”

September, 2014, Savannah Law School, Symposium on [Re]Integrating Spaces, paper entitled “Solidifying LGBT Identity: Things, Places, and Neighborhoods”

June, 2014, Law and Society Annual Meeting, Minneapolis, MN, “LGBT Localism, Scenes of Cultural (Re)production, and Law”

June, 2014, Law and Society Annual Meeting, Minneapolis, MN, Panel presentation, “Author Meets Reader: Ruthann Robson, *Dressing Constitutionally*”

May, 2014, Progressive Property Annual Meeting, Boston, MA, “Saving the Beach Community from Itself: *Harvey Cedars v. Karan*, Climate Change, and the Perilous Property Owner”

May, 2014, Association for Law, Property and Society, Vancouver, BC, “Saving the Beach Community from Itself: *Harvey Cedars v. Karan*, Climate Change, and the Perilous Property Owner”

April, 2014, Loyola University New Orleans College of Law, “Saving the Beach Community from Itself: *Harvey Cedars v. Karan*, Climate Change, and the Perilous Property Owner”

March, 2014, Villanova University School of Law, Villanova, PA, Paper, “On Teaching Law Students to Meditate”

February, 2014, Contemplative Lawyers group, Association of the Bar of the City of New York, “Contemplative Practice for Lawyers: Effectiveness, or Enlightenment, or Both, or Neither”

January, 2014, Association of American Law Schools Annual Meeting, New York, NY, Half-Day Program: “Courting Justice: LGBT Law Advances in the Twenty-First Century,” Paper Presentation, “Whiffs of Federalism” in *United States v. Windsor*: Identity, Localism, and *Kulturkampf*



Speeches & Presentations  
(continued)

Takings Conference 2013: Litigating Takings Challenges to Land Use and Environmental Regulations, Vermont Law School & NYU School of Law, NYU School of Law, New York, NY, November, 2013, Paper, “Sand Dunes in the Wrong Box: Category Mistakes in the *Harvey Cedars* Case?”

November, 2013, Symposium on Federalism, University of Colorado, Boulder, CO, Paper Presentation, “Whiffs of Federalism’ in *Windsor v. United States*: Power, Place, and *Kulturkampf*”

September, 2013, Contemplative Lawyers Group, Association of the Bar of the City of New York, Panel Presentation, “Contemplative Practice for Lawyers: What’s In It For Me?”

August, 2013, National LGBT Bar Association Conference, San Francisco, CA, Concurrent Session on LGBT Discrimination in Religiously Affiliated Law Schools, Panel Presentation, “LGBT Visibility at Religiously Affiliated Law Schools: The Matter of the Student Group”

June, 2013, National Science Foundation, Arlington, VA, Conference, Symposium, The Spatial Constitution, Presentation, “Space, Place, and Expressive Identity”

June, 2013, Association of American Law Schools Mid-Year Meeting, San Diego, CA, on Poverty, Immigration, and Property, Paper, “‘A Owns Blackacre’ is Inadequate: Lessons from Brazilian Regularization of Title in Light of *Moradia*”

June, 2013, Law and Society Association Annual Meeting, Boston, MA, Panel, Author Meets Reader: Brett Frischmann, *Infrastructure* (2011), “Cultural Property as Infrastructure”

Speeches & Presentations  
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May, 2013, Contemplative Lawyers Group, Association of the Bar of the City of New York, New York, NY, Panel Presentation, “Science and Ritual in Contemplative Practice: What Works for Lawyers?”

May, 2013, Progressive Property Fourth Annual Meeting, Loyola of New Orleans College of Law, New Orleans, LA, “Brazilian Regularization of Title in Light of *Moradia*, Compared to United States Understandings of Homeownership and Homelessness”

April, 2013, Association for Law, Property, and Society, University of Minnesota Law School, Minneapolis, MN, Paper Presentation, “Why the Boy Scouts Can’t Jump: Cultural Property, Identity, and the Governance of an Anti-Gay Brand”

March, 2013, Public Talk, Contemplative Lawyers Group, Association of the Bar of the City of New York, New York, NY, “Science and Ritual in Contemplative Practice and Legal Practice”

January, 2013, Continuing Legal Education course (3 credit), Seton Hall University School of Law, Newark, NJ, “Contemplative Practice and Legal Practice”

January, 2013, Association of American Law Schools, Environmental and Natural Resources Sections Field Trip, Cocodrie, LA, Presentation, “The Structure of the BP Deepwater Horizon Litigation”

October, 2012, Continuing Legal Education course, Schulte, Roth & Zabel, New York, NY, “Tyler Clementi, Dharun Ravi, and Hate Crime Laws” [co-taught with Professor Suzanne Goldberg of Columbia University Law School]

October, 2012, Society of American Law Teachers Teaching Conference, University of Maryland Carey School of Law, Baltimore, MD, Roundtable Presentations, “Issues of Cost in Legal Education” [two sequential sessions; I organized and moderated them, with four law school deans in roundtable format]

September, 2012, Contemplative Lawyers Association, Association of the Bar of the City of New York, New York, NY, Public Talk, “Listening and Responding Well: Contemplative Practice as Noise Abatement for Lawyers”

Speeches & Presentations  
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June, 2012, Property Works in Progress Conference, Fordham Law School, New York, NY, Paper Presentation, “Hate Crimes as Territory”

March, 2012, Contemplative Lawyers Group, Association of the Bar of the City of New York, New York, NY, Public Talk, “Show Up and Slow Down: Establishing a Contemplative Practice, for Lawyers”

March, 2012, Public Interest Environmental Law Conference, University of Oregon, Eugene, OR, Panel Presentation, “The Structure of the Retrospective BP Deepwater Horizon Litigation”

February, 2012, Association of American Geographers Annual Meeting, New York, NY, Panel Presentation, “Hate Crimes and the Nomosphere”

February, 2012, Symposium on Judicial Takings, Widener University Law School, Harrisburg, PA, Paper Presentation, “Losing Monumentally: Why a Big Loss in Court Feels Like a Judicial Taking but Isn’t”

November, 2011, Empowering the Tribe: A Symposium on LGBTI Issues, John Jay College of Criminal Justice, New York, NY, Paper Presentation, “Did Dharun Ravi Commit a Bias Crime?”

October, 2011 LatCrit XVI, San Diego, CA, Paper Presentation, “Brazilian Regularization of Title in Light of the Right of *Moradia*, Compared to United States Understandings of Homelessness and Homeownership: A Preliminary Framing”

September, 2011, Contemplative Lawyers Group, Association of the Bar of the City of New York, New York, NY, Public Talk, “‘What Is This?’ Practice and Law Practice”

Speeches & Presentations  
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June, 2011, Law and Society Annual Meeting, San Francisco, CA, Panelist, Author Meets Reader: DAVID DELANEY, THE SPATIAL, THE LEGAL AND THE PRAGMATICS OF WORLD-MAKING (2010)

June, 2011, Law and Society Annual Meeting, San Francisco, CA, Paper Presentation, "Hate Crimes and Narratives of Community"

April, 2011, Contemplative Lawyers Group, Association of the Bar of the City of New York, New York, NY, Public Talk, "Stop, Look, and Listen, for Lawyers"

March, 2011, New York Area LGBT Writers Group, New York, NY, Paper Presentation, "Hate Crimes and Narratives of Community"

March, 2011, Law, Culture and Humanities, Las Vegas, NV, Paper Presentation, "Hate Crimes and Narratives of Community"

March, 2011, Association for Law, Property, and Society, Georgetown University Law School, Washington, DC, Paper Presentation, "Brazilian Regularization of Title in Light of the Right of *Moradia*, Compared to United States Understandings of Homelessness and Homeownership: A Preliminary Framing."

December 2010, Contemplative Lawyers Group, Association of the Bar of the City of New York, New York, NY, Public Talk, "Showing Up and Slowing Down, for Lawyers"

November, 2010, Commentator, Conference on E-Marriage, Michigan State Law School, Lansing, MI

Speeches & Presentations  
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October, 2010, Conference, The Mindful Lawyer, University of California Berkeley Law School, Berkeley, CA, Panelist and Paper Presenter, “Religious, Spiritual, Secular: Situating Mindfulness”

September, 2010, Third National People of Color Scholarship Conference, Seton Hall University School of Law, Newark, NJ, Paper Presentation, “The Multiscalar Geography of Hate Crimes”

May, 2010, Law and Society Annual Meeting, Chicago, IL, Paper Presentation, “Is Buddhism a Religion? Does This Matter to Legal Practitioners?”

May, 2010, New Jersey State Bar Association Convention, Atlantic City, NJ, Panel Presentation, “The Rocky Road to Marriage Equality in New Jersey”

March, 2010, Law, Culture and Humanities, Brown University, Providence, RI, Paper Presentation, “Using Same-Sex Couples to Teach About Property”

March, 2010, Cardozo Law School, New York, NY, Panel Presentation, “The Goals of the Gay Rights Movement Concerning Relationship Recognition”

March, 2010, Association for Law, Property, and Society, Georgetown University Law School, Washington, DC, Paper Presentation, “Using Same-Sex Couples to Teach about Property”

March, 2010, CUNY Law School, Queens, New York, Works-in-Progress Presentation, “Is Buddhism a Religion? Does This Matter to Legal Practitioners?”

November, 2009, Conference on Religious Legal Theory, Seton Hall University School of Law, Newark, NJ, Paper Presentation, “Is Buddhism A Religion? Does This Matter to Legal Practitioners?”

September, 2009, Lavender Law, Brooklyn, NY, Paper Presentation, “The Cultural Property Claim within the Same-Sex Marriage Controversy”

September, 2009, Lavender Law, Brooklyn, NY, Paper Presentation, “Naming Harm and Identity Claiming Work in the ‘Civil Union’/‘Marriage’ Distinction”

Speeches & Presentations  
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July, 2009, Contemplative Lawyers Group, Association of the Bar of the City of New York, New York, NY, Public Talk, “Contemplative Listening for Lawyers”

June, 2009, Property Works in Progress Conference, University of Colorado Law School, Boulder, CO, Works-in-Progress Roundtable, “The Standardization of Legal Kinship Forms: What the Property/Contract Interface May (or May Not) Have to Offer the ‘Civil Union’/‘Marriage’ Controversy”

May, 2009, Law and Society Annual Meeting, Denver, CO, Paper Presentation, “The Standardization of Legal Kinship Forms: What Numerus Clausus Theory May (or May Not) Have to Offer the ‘Civil Union’/‘Marriage’ Controversy”

April, 2009, University of Tennessee College of Law, Knoxville, TN, Paper Presentation, “Ocean Grove versus Ocean Grove: Property, Community, and the Where of a Same-Sex Civil Union”

April, 2009, Law, Culture, and Humanities Conference, Suffolk University Law School, Boston, MA, Paper Presentation, “The Standardization of Legal Kinship Forms: What Numerus Clausus Theory May (or May Not) Have to Offer the ‘Civil Union’ / ‘Marriage’ Controversy”

February, 2009, Colloquium on Law and Sexuality, Hofstra University School of Law, Hempstead, NY, Paper Presentation, “The Standardization of Legal Kinship Forms: What Numerus Clausus Theory May (or May Not) Have to Offer the ‘Civil Union’ / ‘Marriage’ Controversy”

October, 2008, Faculty Colloquium, Northwestern University School of Law, Chicago, IL, Paper Presentation, “Ocean Grove versus Ocean Grove: Property, Identity, and Sexuality in a Beachfront Community”

Speeches & Presentations  
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October, 2008, Faculty Colloquium, Michigan State University College of Law, East Lansing, MI, Paper Presentation, "Ocean Grove versus Ocean Grove: Property, Identity, and Sexuality in a Beachfront Community"

October, 2008, Faculty Colloquium, Wayne State University Law School, Detroit, MI, Paper Presentation, "Ocean Grove versus Ocean Grove: Property, Identity, and Sexuality in a Beachfront Community"

October, 2008, Wayne State University Law School, Detroit, MI, Public Talk, "The Cultural Property Claim within the Same-Sex Marriage Controversy"

October, 2008, Colloquium on Law and Citizenship, Southern Methodist University Dedman School of Law, Dallas, TX, Paper Presentation, "The Body of the Citizen: Identity, Integrity, Movement, and Same-Sex Marriage"

June, 2008, Property Works in Progress Conference, University of Colorado School of Law, Boulder, CO, Paper Presentation, "Ocean Grove versus Ocean Grove"

May, 2008, Law and Society Annual Meeting, Montreal, QC, Canada, Paper Presentation, "Ocean Grove versus Ocean Grove," on Panel "Local Interaction, Constitutive Community and the Role of Law: The Place of Identity" [panel organized by Professor Poirier]

May, 2008, Law and Society Annual Meeting, Montreal, QC, Canada, Commentator, Panel on "Legal Geography: Marginalized People, Contested Use, and the Regulation of Space"

February, 2008, Symposium, A Queer Definition of Equality: Exploring Major Issues in Sexual Orientation and the Law, Washington and Lee University School of Law, Lexington, VA, Paper Presentation, "Same-Sex Marriage: Contesting the Law, Contesting the Place"

Speeches & Presentations  
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February, 2008, Conference on Property, Community, and Social Entrepreneurship, Chapman University School of Law, Orange, CA, Paper Presentation, “Ocean Grove versus Ocean Grove”

January, 2008, Association of American Law Schools Annual Meeting, New York, NY, Section on Law and Interpretation, Panel Organizer, “Law and the Interpretation of Sex and Gender”

October, 2007, Symposium on Federalism, Temple University School of Law, Philadelphia, PA, Panel Presentation, “Federalism and Cultural Identity Conflicts: The Case of Same Sex Marriage”

October, 2007, LatCrit XII, Florida International University, Miami, FL, Panel Presentation, “Cultural Property and Same Sex Marriage: Ritual, Identity, Territory”

September, 2007, Symposium on Public and Private Interests in the Coast in the Era of Climate Change: The Fifteenth Anniversary of *Lucas v. South Carolina Coastal Council*, jointly sponsored by the University of South Carolina Law School and the Georgetown Environmental Law and Policy Center, University of South Carolina School of Law, Columbia SC, Panel Speaker, Panel on the Policy Implications of Sea Level Rise, “A Clear Light Blue Line: Behavioral Economics, Public Choice Theory and Sea Level Rise”

July, 2007, Law and Society Association Annual Meeting, Berlin, Germany, Paper Presentation, “Public Trust Resources and the Theory of Infrastructure Commons” [I also proposed and organized this panel]

June, 2007, Property Works in Progress Conference, University of Colorado School of Law, Boulder, CO, Paper Presentation, “The Cultural Property Claim within the Same-Sex Marriage Controversy”



Speeches & Presentations  
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April, 2007, American Constitution Society, New York University School of Law, New York, NY, Speaker, “The Cultural Property Claim within the Same-Sex Marriage Controversy”

March, 2007, Law, Culture and the Humanities, Washington, DC, Paper Presentation “Justifying the Commons: The Public Trust Doctrine and Beyond – Frischmann’s Theory of Open Access Management”

November, 2006, Symposium: Same Sex Marriage in New Jersey, Rutgers-Newark Law School, Newark, NJ, Paper, “Piecemeal and Wholesale Approaches Towards Same Sex Marriage in New Jersey”

September, 2006, Federalist Society, Seton Hall University School of Law, Newark, NJ, Panelist, “Eminent Domain after *Kelo v. City of New London*”

September, 2006, Symposium, Bridging the Divide: Public and Private Interests in Coastal Marshes and Marsh Islands, University of South Carolina School of Law, Columbia, SC, Paper Presentation and Panelist, “Modified Private Property: New Jersey’s Public Trust Doctrine, Private Development and Exclusion, and the Public’s Right to Use Shared Resources”

March, 2005, Law, Culture and the Humanities, Austin, TX, Paper Presentation, “Property and Geography in the Same-Sex Marriage Controversy”

January, 2005, Association of American Law Schools Annual Meeting, San Francisco, CA Section on Sexual Orientation and Gender Identity Issues, Panel Presentation (panel on “The Theory and Politics of Suits Against the Department of Defense for its Enforcement of the Solomon Amendment”)

Speeches & Presentations

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November, 2004, Working Group on Property, Citizenship, and Social Entrepreneurship, Georgetown University Law School, Washington, DC, Speaker

November, 2003, Rider College, Lawrenceville, NJ, Gender Studies Seminar, Speaker, “Hastening the *Kulturkampf*: *Boy Scouts of America v. Dale* and the Politics of American Masculinity”

October, 2003, Lavender Law Conference, New York, NY, Panel Presentation, “The History of the Solomon Amendment Controversy”

October, 2003, Fordham Law School, New York, NY, Seminar on International Organizations, Guest Speaker, “The NAFTA Chapter 11 Expropriation Debate through the Eyes of a Property Theorist”

October 2003, Brooklyn Law School, Brooklyn, NY, Paper Presentation, “The NAFTA Chapter 11 Expropriation Debate through the Eyes of a Property Theorist”

April 2003, New York University School of Law, New York, NY, Panel Presentation, “Strategizing on the Solomon Amendments”

March, 2003, Conference on the Clean Water Act at 30-Plus, New York, NY (sponsored by the American Bar Association, the State Bar Associations of New York, New Jersey and Connecticut, and the Association of the Bar of the City of New York), Opening Speaker

January, 2003, Stanford Law School Environmental and Natural Resources Seminar, Palo Alto, CA, Paper Presentation, “The NAFTA Chapter 11 Expropriation Debate Through the Eyes of a Property Theorist”

Speeches & Presentations  
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September, 2002, Conference, Assimilation & Resistance: Emerging Issues in Law and Sexuality, Seattle University, Seattle, WA, Paper Presentation, “Hastening the *Kulturkampf*: *Boy Scouts of America v. Dale* and the Politics of American Masculinity”

June, 2002, Law and Society Association Annual Meeting, Vancouver, BC, Canada, Paper Presentation, “Hastening the *Kulturkampf*: *Boy Scouts of America v. Dale* and the Politics of American Masculinity”

May, 2002, The Coastal Society Conference, Galveston, TX, Panel Presentation, “The Implications of *Palazzolo v. Rhode Island* for Coastal Zone Management”

May, 2002, LatCrit VII, Portland, OR, Paper Presentation, “Separating the Guys from the Gays: *Boy Scouts of America v. Dale* and the Politics of American Male Gender Formation”

January, 2002, International Environmental Law Committee, Association of Bar of the City of New York, New York, NY, Presentation, “NAFTA Chapter 11 and Property Theory”

January, 2002, Association of American Law Schools Annual Meeting, New Orleans, LA, Property Section Program, Paper Presentation, “The Virtue of Vagueness in Takings Doctrine”

July, 2001, Coastal Zone ‘01, Cleveland, OH, Panel Presentation, “Floods, Again? A Review and Critique of the 2000 Coastal Erosion Studies”

July, 2001, Law and Society Association Annual Meeting, Budapest, Hungary, Paper Presentation, “The Virtue of Vagueness in Takings Doctrine”

April, 2001, University of Maryland Annual Environmental Law Symposium, Baltimore, MD, Panel Presentation, “Floods, Again? A Review and Critique of the 2000 Coastal Erosion Studies”

March, 2001, Paper Presentation, American Society for Environmental History / Forest History Society Conference, Durham, NC, “River Management: The Early Role of Nuisance and Regulatory Takings” [proposed and organized panel]

Speeches & Presentations

(continued)

November, 2000, Feminism and Legal Theory Workshop, Cornell Law School, Ithaca, NY, Paper Presentation, “Hastening the *Kulturkampf*: The Effects of Public Visibility of the Boy Scout Antigay Policy after *Boy Scouts of America v. Dale*”

November, 2000, Seton Hall University School of Law, Newark, NJ, Panel Presentation, “Hastening the *Kulturkampf*: The Effects of Public Visibility of the Boy Scout Antigay Policy after *Boy Scouts of America v. Dale*”

May, 2000, Law and Society Association, Annual Meeting, Miami, FL, Paper Presentation, “Four Parades, Two Funerals and a Riot: The Importance of Space in Constructing Identity”

May, 2000, Law and Society Association Annual Conference, Miami, FL, Paper Presentation, “Construing ‘Environmental,’ Constructing Environmentalism”

March, 2000, American Society of Environmental History Annual Conference, Tacoma, WA, Paper Presentation, “Construing ‘Environmental’, Constraining Environmentalism”

October, 1999, Brooklyn Law School, Brooklyn, NY, Commentator, Presentation & Roundtable Discussion on “Cognitive Bases of Gender Bias”

July, 1999, Coastal Zone '99 Conference, San Diego, CA Roundtable Discussion Leader, “Environmental Justice: Current Legal Issues in the Coastal Context”

November, 1998, Environmental Law Society, Washington & Lee University School of Law, Lexington, VA, Presentation, “Can This Industrial River Be Saved? The Plight of the Passaic”

October, 1998, Environmental Symposium Series, Washington & Lee University School of Law, Lexington, VA, Speaker, “Risk Perception, the Formation of Property, and Regulatory Takings Doctrine”

March, 1998, International Affairs Symposium Series School of International Diplomacy and Affairs, Seton Hall University, South Orange, NJ, Presentation, “Environmental Justice and International Environmental Law”

Speeches & Presentations  
(continued)

February, 1998, Conference on Fair Housing, University of Miami School of Law, Miami, FL, Panel Presentation, “Environmental Justice and Fair Housing: A Twisted Tale”

September, 1997, Society of American Law Teachers Teaching Conference, *Reconceiving Legal Pedagogy: Diversity in the Classroom, Clinic, Theory and Practice*, American University, Washington, DC, Presentation (with Dean Rivkin, University of Tennessee), “The Fundamentals of Environmental Justice”

August, 1997, Inaugural International Conference in Critical Geography, Vancouver, BC, Canada, Paper Presentation, “The Dynamic Beachfront: Social Allocations of Risk and Access”

November, 1996, Symposium on Land Use Law and the 21st Century: Practices, Policies, Paradigms, University of Oregon Law School, Eugene, OR, Paper Presentation, “Property, Environment, Community”

August, 1996, American Chemical Society Conference, Orlando, FL, Panel Presentation, “The Community’s Right to Know”

July, 1996, The Coastal Society Conference, Seattle, WA, Panel Presentation, “Property Rights and Environmental Law”

April, 1996, Debate, sponsored by The Federalist Society of Seton Hall Law School, with New Jersey State Senator Scott, on the constitutional and statutory protection of private property against environmental regulation

April, 1996, Seton Hall undergraduate senior seminar on environmental policy, Guest Lecturer, presentation on the Takings Doctrine

March, 1996, Conference on Public Interest Environmental Law, sponsored by Land, Air and Water, the student environmental society at the University of Oregon Law School, Eugene, OR, three Panel Presentations: “Property as an Essentially Contested Process,” “Endangered Species Versus Property Rights: It’s the Community, Stupid,” and “Environmental Justice: The Historical Exclusion of Distributional Issues from the Environmental Movement”

Speeches & Presentations

(continued)

July, 1995, Coastal Zone '95 Conference, Tampa, FL, Panel Presentation, "Urban Waterfronts and the Urban Poor"

June, 1995, Law and Society Association Annual Meeting, Toronto, ON, Canada, Chair/Discussant, "Conflicting Accounts of Interpretation: Linguistics, Cognitive Theory, and the Legal Text" [proposed and organized panel]

March, 1995, Conference on Class and Identity, Washington, DC, Panel Presentation, "Environmental Justice"

June, 1994, Law and Society Annual Meeting, Phoenix, AZ, Paper Presentation, "Construing Beach Access in the 1970s: Environmental and Civil Rights Paradigms, Their Sources and Consequences"

April, 1994, The Coastal Society Conference, Charleston, SC, Paper Presentation, "Beach Access in New Jersey: The Role of Race- and Class-Based Motivations in the Development of the Public Trust Doctrine"

November, 1993, American University, Washington, DC, Senior Undergraduate Seminar on Environmental Politics, Speaker, "Takings Politics and Policy: The Case of the Beachfront"

October, 1993, Environmental Law Working Group, Society of American Law Teachers Teaching Conference, Re-Imagining Traditional Law School Courses: Workshops Integrating Class, Disability, Gender, Race and Sexual Orientation and Other Issues of Social Concern Into Teaching & Course Materials, Santa Clara University, Santa Clara, CA, Co-Program Chair and Speaker, day-long program on environmental justice [co-planned with Professors Casey Jarman of the University of Hawaii and Richard Lazarus of Georgetown]

October, 1992, American University, Washington, DC, Senior Undergraduate Seminar on Environmental Politics, Speaker, "Hydroelectric Regulation: History and Politics",

January, 1992, National Association of Environmental Law Societies, University of Texas Law School, Austin, TX, Presenter, "Municipal Liability under Superfund"

Professional Awards

Dukeminier Award, 2008, Williams Institute, UCLA, for one of the best law review articles of the year in the fields of law and sexuality and gender identity

Dukeminier Award, 2003, Williams Institute, UCLA, for one of the best law review articles of the year in the fields of law and sexuality and gender identity

Additional Academic Activities

Designed and implemented winter session onsite course on the BP Deepwater Horizon blowout; January 2011 - present

Co-Organizer, Regional Ocean Governance Symposium, Seton Hall University School of Law, Newark, NJ, April, 2013 [day-long law and policy conference funded by \$10,000 grant from National Sea Grant Law Center; proceedings to be published in online Sea Grant Law and Policy Journal]

Co-Organizer, “A Civilized Debate on Same-Sex Marriage,” September, 2011, Seton Hall University School of Law, Newark, NJ

Co-Convener, “Cleaning Up Newark: Rebuilding for the 21<sup>st</sup> Century,” Seton Hall University School of Law, Newark, NJ, March 30, 1998 [conference on urban land and water contamination, brownfields redevelopment policy, and waterfront brownfields projects]

Faculty Advisor, Lambda Law Alliance (student organization), 2002-2012

Faculty Advisor, Environmental Law Society (student organization)

Member, Seton Hall Law School Diversity Council, 2009 – 2013

Member, Dean’s Budget Working Group, 2011 – present

Faculty Coordinator, Seton Hall Interfaith Meditation Group, 2006 – present

Initiated yoga instruction at Seton Hall University School of Law, Summer 2012

Additional Academic  
Activities

(continued)

Director, Seton Hall Environmental Concentration  
Fall 1997 - Fall 1999

Faculty Supervisor, Environmental Externship, U.S. E.P.A. Region  
2, New York City, most semesters, 1993 – 2005, 2011 – present

Faculty member, Seton Hall Summer Program in the Middle East,  
Cairo, Egypt, Summer 1997 [course on international  
environmental law]

Co-coordinator, environmental justice law professors group, 1993 -  
2001

Director, Seton Hall Law School Legal Theory Workshop, 1992 -  
1997

Professional Activities

Member, Association of American Law Schools, Committee on  
Sections and Annual Meetings, 2005 - 2007

Chair, Association of American Law Schools, Section on Law and  
Interpretation, 2007

Chair, Association of American Law Schools, Section on Property,  
2003 [duties included planning programs for the 2004 annual  
meeting and, as Chair-Elect in 2002, chairing a committee to draft  
a proposal for an AALS Professional Development Conference on  
Property, held in June, 2004, in Portland, OR]

Member, 2003 - 2004, Program Committee, Association of  
American Law Schools Professional Development Conference,  
*Teaching Property Law for the 21<sup>st</sup> Century*, June, 2004, Portland,  
OR [five-person committee charged with planning a three-day  
conference on teaching property]



Professional Activities  
(continued)

Member, Board of Governors, Society of American Law Teachers, 2012 – present, 2002 - 2003; Chair, Committee on Issues in Legal Education, Subcommittee on Re-Visioning Legal Education, 2012 – present; Chair, SALT Solomon Amendment Committee, 2002 – 2003

Member, Society of American Law Teachers, Gay, Lesbian, Bisexual, and Transgender Concerns Committee, 2006 – present

Member, Society of American Law Teachers, Committee on Issues in Legal Education, 2012 - present

Member, Advisory Board, Contemplative Lawyers Group of New York City, 2009 – present; Chair, speaker series, 2011 - present

Member, New Jersey State Bar Association Section on Gay, Lesbian, Bisexual and Transgendered Rights, 2004 – present

Member, National LGBT Bar Association / Williams Book Award Committee, 2009 – present

Judge, National LGBT Bar Association Student Writing Competition, 2011, 2013

Instructor, U.S. Army Corps of Engineers PROSPECT Course, Environmental Laws and Regulations, 1998 - 2003 [revision of course manual, coordination of instructors, instruction via week-long course given at various locations to U.S. Army Corps of Engineers and U.S. Bureau of Reclamation personnel]

President, Committee on Hydroelectric Regulation, Energy Bar Association, 2001 - 2002; President, Committee on Part I of the Federal Power Act [hydroelectric regulation], Federal Energy Bar Association, 1989 -1990; Committee Member 1983 - 2003

Member, International Environmental Law Committee, Association of the Bar of the City of New York, 2002 – 2004

Professional Activities

(continued)

Member, Board of Directors, The Coastal Society, Alexandria, VA, 1997 - 2001

Participant, UNESCO conference on ocean and coastal policy, Paris, France, December, 2001 [preparatory conference for Rio Plus Ten conference, Johannesburg, South Africa, August - September, 2002]

Participant, Foundation on Research in Economics and the Environment, Professional Seminars, "Environmental Economics and Policy Analysis," August, 1999, Bozeman, MT; "Managing Common Property," July, 2001, Bozeman, MT; "Globalization and the Environment," July, 2002, Bozeman, MT; "Tribalism, Social Change, and Environmental Quality," October, 2003, Bozeman, MT; June, 2009, "Things Counterintuitive: A Program for Social Entrepreneurs"

Planning Committee, panel on brownfields development issues, sponsored by the Environmental Section, Association of American Law Schools Annual Meeting, Washington, DC, January, 1997

Panel Chair, "Environmental Justice: Participation and Inclusion," The Coastal Society Conference, Seattle, WA, July, 1996

Member, American Bar Association, District of Columbia Bar Association, Energy Bar Association, Law and Society Association, National LGBT Bar Association, New Jersey Bar Association, Society of American Law Teachers

Pro Bono Work

Dharun Ravi sentencing, May 2012 I drafted a scholarly memorandum on hate crimes laws, arguing that prototypical bias crimes involve violence or threats of violence; that conviction for bias intimidation on the basis of invasion of privacy was apparently unprecedented and not clearly contemplated in New Jersey law; and that the New Jersey sentencing guidelines for bias crimes need not be applied to Dharun Ravi's sentence; this memorandum was submitted in May 2012 by Ravi's attorneys; the judge sentenced Ravi to 30 days plus 3 years' probation instead of 5 to 10 years, with an oral explanation following point-by-point my memorandum.

Advised on and drafted section of amicus brief on behalf of the New Jersey State Bar Association in *Lewis v. Harris* (New Jersey Supreme Court 2010) [argument as to injury caused by legally recognizing same-sex couples with the name "civil union" instead of "marriage"]

Advised Society of American Law Teachers on amicus position in *Christian Legal Society v. Martinez* (2010)

Counsel to the New Jersey Highlands Coalition, amicus curiae in *OFP, LLC v. State of New Jersey*, No. Civ. 61,621 (New Jersey Supreme Court 2008) [brief for environmental amicus curiae, supporting state land use regulatory scheme against property rights, regulatory takings, and retroactivity challenges]

Counsel to Pine Hill Zendo, in *Pine Hill Zendo et al. v. Town of Bedford, New York, Zoning Board of Appeals*, No. 17833-01 (Supreme Court, Westchester Cy., NY, filed November 7, 2001) [religious land use case involving state land use law, the federal Religious Land Use and Institutionalized Persons Act, and state and federal constitutional claims; case settled favorably]

Public Speaking

June 2012, Speaker, Riverside Church, New York, New York, “The Role of Religion in the Controversy over Legal Recognition of Same-Sex Couples”

Media appearances in connection with Dharun Ravi trial, February & March 2012 – National Public Radio Morning Edition, CBS Evening News, CBS This Morning, Court TV, WNYC The Takeaway, BBC Radio, various radio talk shows, New Delhi Cable Network, quoted in *The New York Times*, *The Los Angeles Times*, AP, *The Star-Ledger*, background interviews to *The New Yorker*, *The Wall Street Journal*, and others

Regular speaker, Contemplative Lawyers Group, Association of the Bar of the City of New York, New York, NY

Regular speaker, Columbia University Buddhist Association, New York, NY

Luncheon speaker, The Old Guard, Millburn, NJ, Nov. 20, 2009, “Same-Sex Marriage and Civil Unions in New Jersey”

Interview, Tapestries, Canadian National Broadcasting Corp., Nov. 9, 2009, on “Clutter and the Matter of Life and Death”

Panelist, *Due Process*, June 29, 2008 (NJN New Jersey public television show on same-sex marriage in New Jersey)

Civic Activities

Member, Planning Board, South Orange, NJ  
Regular member 1999 - 2003; alternate member, 1996 - 1999

Member, Village Charter Revisions Committee, South Orange, NJ  
2001 - 2004

Member, Ordinary Mind Zendo, New York, NY, 2009 – present

Lay Zen Teacher, Ordinary Mind School, 2011 – present

Member, Lay Zen Teachers Association, 2011 – present

Chair, Capital Campaign Committee, Zen Center of New York City, 1999 - 2001 [successful capital campaign raising over \$200,000]

Member, Steering Committee/Board of Directors, Diamond Metta Lesbian and Gay Buddhists of New York, 1994 – 2006

Admitted to Practice

United States Supreme Court; United States Courts of Appeals for The First, Fourth, Fifth, Sixth, Ninth and District of Columbia Circuits; United States District Court for the District of Columbia; District of Columbia