

# Melissa K. Scanlan

414-688-4171 scanlan.mk@gmail.com

## ACADEMIC APPOINTMENTS

- Boston College Law School**, Newton Centre, MA  
*Visiting Law Professor* 2019 – 2020  
❖ Teach Water Law, New Frontiers in Environmental Policy, and Climate Change Law.
- Vermont Law School**, South Royalton, VT  
*U.S. Fulbright Senior Scholar at the University of Alicante, Spain* Spring 2019  
*Professor* 2016 – present  
*Co-founder and Director, New Economy Law Center* 2015 – present  
*Director, Colloquium on Environmental Scholarship* 2016 – 2018  
*Associate Dean of Environmental Law Program & Director of Environmental Law Center* 2013 – 2017  
*Associate Professor* 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, designing and managing summer environmental law program with over 200 students, designing new scholarship program to attract top students, creating pipeline program for undergraduates, 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, 2018); Tenure and Retention (2016-2018); (Honor Code 2017-2018).  
❖ Provide strategic direction for New Economy Law Center, including executive production of events, media, fundraising, and supervising students.  
❖ Teach Legislation and Regulation; Watershed Management; Water Law; New Frontiers in Environmental Policy; Communications, Advocacy, and Leadership.
- 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 in which I 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**  
Berkeley Law, J.D. May 1999  
Environmental Science, Policy and Management Program, M.S. May 1999  
**Honors:** 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

**Honors:** Phi Beta Kappa, Summa Cum Laude, Honors Comprehensive Exams

**The Jagiellonian University**, Krakow, Poland, Foreign Studies Program

1990

## **PUBLICATIONS**

Cooperating for a Livable Planet: Designing Business for Sustainability (*forthcoming* Yale University Press 2020)

*Droughts, Floods, and Scarcity on a Climate Disrupted Planet: Understanding the Legal Challenges and Opportunities for Groundwater Sustainability*, 37 Virginia Environmental Law Journal 53 (2019)

*The Role of the Courts in Guarding Against Privatization of Important Public Environmental Resources*, 7.2 Michigan Journal of Environmental & Administrative Law 237 (2018)

Law and Policy for a New Economy: Sustainable, Just, and Democratic, (Melissa K. Scanlan ed., Edward Elgar 2017)

*Climate Change, System Change, and the Path Forward*, a chapter in Law and Policy for a New Economy: Sustainable, Just, and Democratic, (Melissa K. 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 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 & James 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

- ❖ Conference of Chief Justices Midyear Meeting, State Environmental Courts and Litigation Educational Program, Honolulu, Hawaii, February 2, 2020, Invited Teacher on panel on *Water – the Great Divide*, and Moderator on panel on *Environmental Litigation: A State's Enforcement of Protection Statutes*
- ❖ University of Alicante, Law School, Guest Professor, Alicante, Spain, March 20, 2019, *Sustainability Leadership in Cooperative Business Organizations*
- ❖ Tilburg University, Tilburg Law and Economics Center, Faculty Speaker Series, Netherlands, May 9, 2018, *Law and Policy for a New Economy: Sustainable, Just, and Democratic*
- ❖ University of Florida, Levin College of Law, Guest Professor, Environmental Capstone Colloquium, Gainesville, FL, February 1, 2018, *Public Rights in Water as a Paradigm of Protection*
- ❖ World Water Congress XVI, Cancun, Mexico, May 31, 2017, *What's next for water law and policy? Recent developments, future challenges and potential opportunities*
- ❖ International Trails Symposium 2017, Dayton, OH, May 8, 2017, *Trails Take Flight: Connecting People, Places, and Possibilities*
- ❖ IUCNAEL Colloquium, University of Oslo, Plenary Speaker, Oslo, Norway, June 20-26, 2016, *The Role of the Courts in Guarding Against Privatization of Important Public Environmental Resources*
- ❖ World Water Congress XV, Edinburgh, Scotland, May 25-29, 2015, *Virtual Water in Agricultural Production*
- ❖ First Annual Sustainability Conference of American Legal Educators, Arizona State Law School, Tempe, AZ, May 8, 2015, *Climate Change and Law for the New Economy*
- ❖ University of Michigan Law School, Ann Arbor, MI, April 2, 2015, *Blueprint for the Great Lakes Trail*
- ❖ XX International Conference Society for Human Ecology, Panelist, Bar Harbor, ME, 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, Boston, MA, 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, February 7, 2014, *Blueprint for the Great Lakes Trail*
- ❖ IUCNAEL Colloquium, Universitat Rovira I Virgili, Tarragona, Spain, July 3, 2014, *Turning Urban Sewage Into Renewable Energy*
- ❖ Middlebury College, Howard E. Woodin Colloquium Series, Middlebury, VT, December 5, 2013, *Social Entrepreneurs: Be the Change You Want to See*
- ❖ University of Kansas, Kansas Law Review Symposium, Panelist, Lawrence, KS, November 1, 2013, *Adaptive Management and Water Quality Trading: Experimenting with Unlikely Partners*
- ❖ Vermont Law School Freshwater Working Group Panel Discussion, October 18, 2013, *Implementing the Public Trust Doctrine with the Great Lakes Trail*
- ❖ Vermont Law School Water Confab, June 7, 2013, *Public Access to Beaches*
- ❖ University of Wisconsin Limnology Seminar, Madison, WI, March 20, 2013, *Implementation of Wisconsin's Water*

### *Laws and Implications for Water Scientists*

- ❖ DePaul University College of Law, DePaul Law Review Symposium, Chicago, IL, 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, Washington, D.C., December 11-12, 2012, *Technology and New Ways to Seek Compliance*
- ❖ University of Wisconsin Law School, Panelist, Madison, WI, 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, Minneapolis, MN, 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, December 2, 2006, *Privatization and the Great Lakes Compact*
- ❖ University of Toledo College of Law Conference, 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, October 6, 2004, *The State of Wisconsin's Public Trust Doctrine and the Job Creation Act*
- ❖ Waters of Wisconsin Forum, October 22, 2002, *Access to Wisconsin Water: The Public Trust Doctrine – Past, Present, and Future*

### **ACADEMIC GRANT FUNDING SECURED**

\$300,000+ gifts from variety of private donors for environmental research, events, and student scholarships	2013-present
\$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**

- Melissa K. Scanlan, LLC**, Milwaukee, Wisconsin 2010 - 2013  
*Founder & Principal*
- ❖ Created consulting firm specialized in producing water scholarship, teaching, and promoting social enterprises engaged in water policy.
  - ❖ *On the Commons Fellow*, 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.
- Midwest Environmental Advocates**, Madison & Milwaukee, Wisconsin
- Founder & Executive Director* 1999- 2007  
*Senior Counsel* 2007- 2010  
*Board Member* 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

- ❖ US Temporarily Stops Youth Climate Lawsuit Days Before Trial, quoted in AP story in [Chicago Tribune](#), [Washington Post](#), [ABC News](#), [Japan Times](#), etc., October 20, 2018.
- ❖ What Can You Do About Climate Change?, [WUWM](#), radio interview, October 11, 2018
- ❖ Climate Change: New Report Creates Urgency in Milwaukee and Worldwide, [WUWM](#), radio interview, October 10, 2018
- ❖ Facebook is a Tyranny and our Government Isn't Built to Stop It, [The Guardian US](#), opinion article, April 18, 2018.
- ❖ What are the Environmental Concerns Surrounding the Wisconsin Foxconn Plant?, quoted in [Chicago Tribune](#), August 26, 2017.
- ❖ As Foxconn Vote Approaches, Environmental Concerns Remain, [WUWM](#), radio interview, August 14, 2017.
- ❖ Foxconn must meet state standards for labor and environment, [ISOnline](#), opinion article, August 9, 2017.
- ❖ 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, quoted on the Supreme Court in [ThinkProgress](#), October 19, 2016.
- ❖ Q&A: Legal scholar Proposes World's Longest Walking Trail around Great Lakes, featured in [Michigan Distilled](#), April 13, 2015.
- ❖ High-Capacity Well Regulation in Wisconsin, U.S., quoted in National Driller, November 1, 2014.
- ❖ Vermont Law School's Top 10: Environmental Watch List for 2014, quoted in Burlington Free Press, January 19, 2014.
- ❖ Crossing the Line: Defending Wisconsin's Environmental Commons, Narrator in [documentary film](#), 2011.
- ❖ Can Water Keep City Budget Afloat? quoted in Milwaukee Journal Sentinel, May 25, 2009.
- ❖ Coalition Pushes Green Technology in Stimulus, quoted in Chicago Tribune, January 13, 2009
- ❖ Law of the Land: One Lawyer's Love for the Environment Became a Career in Preservation, featured in GO: Air Tran Airways Inflight Magazine, February 2008.
- ❖ THIRST, 2007, quoted in Alan Snitow, et. al. Chapter 8 "When Nestle Comes".
- ❖ Hot Jobs for a Warming Planet, featured in Sierra Magazine, Nov/Dec 2007.

## **PROFESSIONAL SERVICE & AFFILIATIONS**

Equal Justice Works, <i>Fellow Application Reviewer</i>	2017-present
U.S. Navy, <i>Judge for Secretary of Navy's Environmental Award</i>	2015-present
Echoing Green Foundation, <i>Fellow Application Reviewer</i>	2013-present
Environmental Law Section of the Wisconsin Bar Association, <i>Elected Board Member</i>	2010-2013
Midwest Environmental Advocates, <i>Board Member</i>	2010-present
Sierra Club National Litigation Committee, <i>Elected Member</i>	2004-present
U.S. Court of Appeals for the 7 <sup>th</sup> Circuit	2003-present
U.S. District Court of the Eastern and Western Districts of Wisconsin	2000-present
State Bar of Wisconsin	1999-present

## **REFERENCES**

Pat Parenteau  
Professor of Law  
Vermont Law School  
802-831-1305  
[pparenteau@vermontlaw.edu](mailto:pparenteau@vermontlaw.edu)

David Mears  
(former) Associate Dean of Environmental Program and Director of Environmental Law Center (AY17-18)  
Vermont Law School  
802-371-8933  
[david.k.mears@gmail.com](mailto:david.k.mears@gmail.com)

Gus Speth  
Co-founder of New Economy Law Center at Vermont Law School  
(former) Professor of Law at Vermont Law School  
(former) Dean of Yale School of Forestry and Environmental Studies  
802-765-4899  
[gus@speth.com](mailto:gus@speth.com)