

MICHAEL ROLAND BARS

Northwestern Pritzker School of Law
357 E. Chicago Ave.
Chicago, IL 60611
(312) 503-7983
m-barsa@law.northwestern.edu

TEACHING:

Northwestern Pritzker School of Law, Chicago, IL.

2016-present Professor of Practice and Co-Director of the Environmental Law Concentration

2008-2016 Senior Lecturer

- Courses Taught: Environmental Law, Natural Resources Law, Property, International Environmental Law, Climate Change Colloquium, Advanced Environmental Appellate Advocacy Workshop, and Regulatory Strategy and Communications (Master of Science in Law program)
- Helped found the Environmental Law Concentration.
- Winner of 2009-2010 Dean's Teaching Award
- Winner of 2012 Robert Childres Memorial Award for Teaching Excellence
- Winner of 2019 "Best Professor in a Large Class" Award in the Master of Science in Law Program

PUBLICATIONS:

Michael Barsa and David Dana, *Regulating During Emergencies* (work-in-progress)

Emily Morgan and Michael R. Barsa, *Presidential Administration, the Appearance of Corruption, and the Rule of Law: Can Courts Rein in Unlawful Executive Orders?*, 104 Marq. L. Rev. 285 (2020)

Michael Barsa, *The Garden of Blue Roses*, A novel, Underland Press (April 17, 2018) (with praise by Alice Sebold, Paul Tremblay, Kirkus Reviews, Library Journal, and others)

David Dana and Michael Barsa, *Judicial Review in an Age of Hyper-Polarization and Alternative Facts*, 9 San Diego Journal of Climate and Energy Law 231 (2017-18)

Michael Barsa, *Rethinking the Dormant Commerce Clause?: Climate Change and Food Security*, 13 Northwestern J. Law and Social Policy 40 (2018).

David Dana and Michael Barsa, "Trump and Big Auto Hitting Self-Destruct Button," Opinion, Chicago Sun-Times, April 4, 2017

David Dana and Michael Barsa, "The High Cost of Cutting Regulatory Costs," Commentary, Chicago Tribune, February 24, 2017

Michael Barsa and David Dana, *A "Switching Costs" Approach: EPA's Clean Power Plan As A Model For Allocating The Burden Of Carbon Reductions Among Nations*, 7 San Diego J. Climate & Energy 1 (June 2016)

Michael Barsa and David Dana, *A Climate Change Lens on the Dormant Commerce Clause*, 5 San Diego J. Climate & Energy 69 (June 2014)

Michael Barsa and David Dana, *Where the Extraction Frontier Meets the Safety Frontier*, 6 Env'tl. & Energy L. & Policy J 199 (2011)

Michael Barsa and David Dana, *Reconceptualizing NEPA to Prevent the Next Preventable Disaster*, 38 Boston College Environmental Affairs Law Review 219 (2011)

Michael Barsa and David Dana, *Three Obstacles to the Promotion of Corporate Social Responsibility by Means of the Alien Tort Claims Act: The Sosa Court's Incoherent Conception of the Law of Nations, the "Purposive" Action Requirement for Aiding and Abetting, and the State Action Requirement for Primary Liability*, 21 Fordham Environmental Law Review 79 (2010)

Michael Barsa, *California's Proposition 65 and the Limits of Information Economics*, 49 STANFORD LAW REVIEW 1223 (1997) (Named one of the top food and drug law articles of the 1990s).

Michael Barsa, *Mothers*, 36 SEQUOIA: THE STANFORD LITERARY MAGAZINE 23-25 (1994-1995) (short story)

Michael Barsa, contributing author with Betty G. Lall & John Tepper Marlin, et. al., *BUILDING A PEACE ECONOMY: OPPORTUNITIES AND PROBLEMS OF POST-COLD WAR DEFENSE CUTS* (1992)

Michael Barsa, *A Model of International Environmental Cooperation*, 1 STANFORD ECONOMICS JOURNAL 23-33 (1991)

PRESENTATIONS:

Prospects for Climate Action Under President Biden

--Presented to the Northwestern Buffett Institute for Global Affairs webinar, January 19, 2021

Nature Isn't One Thing: Environmental Law, Standing Doctrine, and Ecosystem Rights

--Presented to the University of Illinois at Chicago workshop entitled "Can A River Be A Person," November 1, 2019

Climate Change and Law

--Presented to International LLM Students, March 20, 2019

A Free-Market Approach to Environmental Law: A Response

--Presented to Federalist Society, October 22, 2018

Climate Change and International Law

--Presented to International LLM students, March 2018

Climate Change and Global Food Security

-- Presented at the Loyola Law School Children's Legal Rights Journal symposium on Environmental Justice: Advocating for the Health of Children, October 27, 2017

Rethinking the Dormant Commerce Clause?: Climate Change and Food Security

-- Presented at the Searle Center Research Roundtable on Animal Law and Regulation, July 13-14, 2017

Climate Change: A Call for Conservative Action

-- Presented to the Northwestern Federalist Society, April 11, 2017

Rethinking the Dormant Commerce Clause?: Climate Change and Food Security

-- Presented to the Northwestern faculty, November 14, 2016

A “Switching Costs” Approach: EPA’s Clean Power Plan As A Model For Allocating The Burden Of Carbon Reductions Among Nations

--Presented at the November 6, 2015 University of San Diego Climate and Energy Law Symposium

Addressing Ocean Acidification Using the Clean Water Act

-- Presented at Searle Center Research Roundtable on Climate Change and Natural Preservation: Adaptation Litigation, Oceans, and Other Topics, July 2014

Climate Change and Food Security

-- Presented at the UIC School of Public Health’s “Climate Change and Public Health” graduate seminar, April 29, 2014

A Response to Climate Skeptics

-- Presented at Northwestern’s Environmental Law Colloquium, January 2013

Food Security, Climate Change, and Protectionism

-- Presented at Northwestern Environmental Law Society’s *Climate Change and International Law* event, Nov. 10, 2011

-- Presented at Northwestern’s Environmental Law Colloquium, March 1, 2010

Reconceptualizing NEPA to Prevent the Next Preventable Disaster

-- Presented at Northwestern Faculty Workshop, October 19, 2010

Three Obstacles to the Promotion of Corporate Social Responsibility by Means of the Alien Tort Claims Act: The Sosa Court’s Incoherent Conception of the Law of Nations, the “Purposive” Action Requirement for Aiding and Abetting, and the State Action Requirement for Primary Liability

-- Presented at the April 29, 2010 Searle Center Public Policy Roundtable on the Alien Tort Claims Act.

PANELS:

Solving the Mystery, Southeast Wisconsin Festival of Books, November 3, 2018

Environmental Justice, Global Engagement Summit, October 30, 2018

Stories That Bind, Chicago Tribune Printer's Row Lit Fest, June 9, 2018

Panelist, Northwestern Environmental Law Society, Federalist Society, and American Constitutional Society discussion on *Juliana v. United States*, March 6, 2018

Panelist, Northwestern University Human Rights Project and Environmental Law Society Panel on Climate Change, November 7, 2017

Panelist and Presenter, Third Annual Research Roundtable on Animal Law and Regulation, Northwestern Pritzker School of Law, July 13-14, 2017

Panelist, "The Environment Under Trump," Northwestern Environmental Law Society, March 30, 2017

Discussant, "Public Law Norms and Private Standardization," Northwestern's Fourth Annual Research Roundtable on Technology Standards

Panelist, Second Annual Research Roundtable on Animal Law and Regulation: Comparative perspectives on Administrative and Regulatory Law, Northwestern Pritzker School of Law, July 14-15, 2016

Panelist, "Current Events," Northwestern Environmental Law Society, March 2016

Moderator, "California Market Issues with Cap-and-Trade," Third Annual Searle Center Conference on Energy Regulation, November 14, 2014

Moderator, "The Primacy of Natural Capital in Resilient Communities," Institute for Sustainability and Energy at Northwestern's Resilient Futures Summit, October 16, 2014

Panel Participant, "Climate Change: Legal and Public Health Implications and Responses," Northwestern Environmental Law Society and Northwestern Human Rights Project, April 8, 2013

Moderator, Northwestern Environmental Law Society's Climate Change panel, November 9, 2010

COMMITTEES:

2015-2020 Curriculum Committee, Northwestern Pritzker School of Law

2013-2015 Dissertation Committee, Natalie Bump Vena (J.D. / PhD. in Anthropology, Northwestern University), dissertation entitled *Preservation's Loss: The Nature of Bureaucracy in the Cook County Forest Preserves*

OTHER LEGAL EXPERIENCE:

2017-present **Pro Bono Representation** of the Environmental Law & Policy Center in Clean Water Act litigation

2014-2017 **Amicus Representation** of major fishing organization in cases involving ocean acidification and offshore fracking

1999-2008 **Munger, Tolles & Olson**, Los Angeles, CA. Associate.

- Litigated numerous environmental cases involving the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), the Safe Drinking Water Act, California's Proposition 65, and common law tort claims
- Developed legal and scientific strategies under RCRA, the Safe Drinking Water Act, and numerous state environmental statutes, in one of the first groundwater contamination cases involving the gasoline additive MTBE
- Conducted numerous depositions and crafted a settlement strategy in a CERCLA action concerning DDT off the California coastline
- Took the lead in drafting the winning brief, on behalf of numerous defendants, regarding an issue of first impression under CERCLA: the retroactive application of Section 127 (involving recycling)
- Crafted many of the novel legal arguments in a "subsurface trespass" case involving the underground flow of salt water from oilfield operations

1997-98 **U.S. Court of Appeals, 9th Circuit.** Law Clerk to the Hon. Cynthia Holcomb Hall.

- Prepared legal memoranda in a case dealing with the application of environmental and historic preservation laws to a housing project for low-income residents and people with AIDS, and a toxic torts case dealing with federal officer removal jurisdiction
- Prepared other legal memoranda in cases involving criminal, civil rights, tax, bankruptcy, and immigration law

EDUCATION:

1995-97 **Stanford Law School**, J.D. with Distinction.

- GPA 3.77 / 4.0 (top 10%)
- Member, Order of the Coif

- Associate Editor, STANFORD ENVIRONMENTAL LAW JOURNAL

- 1994-95 **The University of Chicago Law School**, Completed first year.
- GPA 81.9 / 85 (high A average)
 - Awarded Tony Patiño Fellowship for leadership, academics, and public service
- 1987-92 **Stanford University**
- MA in English Literature
 - BA in English and BA with Honors in Economics

OTHER EXPERIENCE:

- 1996-97 **Research Assistant**, Prof. Robert Rabin, Stanford Law School
- 1996 **Summer Associate**, Latham & Watkins
- 1995 **Summer Associate**, The Nature Conservancy
- 1993-94 **Grant Writer**, Santa Clara University
- 1992-93 **Presidential Intern**, The American University in Cairo
- 1991 **Summer Research Fellow**, The World Bank