

ALEXANDRA B. KLASS

Professor of Law
Associate Dean for Academic Affairs
Solly Robins Distinguished Research Fellow
University of Minnesota Law School
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Employment

University of Minnesota Law School, Minneapolis, MN

Associate Dean for Academic Affairs (2010-present); Solly Robins Distinguished Research Fellow (2010-present); Professor of Law (2010-present); Associate Professor of Law (with tenure), 2008-2010; Associate Professor of Law, 2006-2008.

Courses: Natural Resources Law, Torts, Property, Environmental Law, Environmental Law Capstone Course.

Committee Work and University Service: Entry-Level Appointments Committee (2006-07, 2009-10); Faculty Works-in-Progress Committee (2006-07, 2007-08); Education Policy Committee (2007-08); Admissions Committee (2008-09); Self-Study and Strategic Planning Committee (2008-09, 2009-10, 2010-11); University-wide Sustainability Committee (2010-present); UMore Park Academic Mission Advisory Board (2011-present).

Awards: Stanley V. Kinyon Teacher of the Year 2009-2010

University of Minnesota Institute on the Environment

Resident Fellow (2010-present).

William Mitchell College of Law, St. Paul, MN

Associate Professor, 2004-2006.

Dorsey & Whitney LLP, Minneapolis, MN

Partner, 2000-2004; Associate, 1993-99. Represented clients in all aspects of environmental law and land use matters including contaminated property, zoning, wetlands, eminent domain, environmental review, and property redevelopment, as well as more general commercial matters. Significant trial and appellate experience. Regularly represented pro bono clients in housing court. Member of the firm's Recruiting Committee for six years and responsible for the firm's Summer Associate program for two years.

City of Minneapolis, City Attorney's Office

Special Assistant City Attorney, August-November 1995.
Obtained guilty verdicts in three criminal jury trials.

United States District Court for the Western District of Wisconsin

Law Clerk to the Hon. Barbara B. Crabb, Chief District Judge,
1992-1993.

Books and Book Chapters

State and Municipal Energy Efficiency Laws, in *THE LAW OF CLEAN ENERGY* (Michael B. Gerrard, ed., Section of Environment, Energy, and Resources, American Bar Association, 2011) (with John K. Harting)

THE PRACTICE AND POLICY OF ENVIRONMENTAL LAW (Foundation Press, 2d ed. 2010) (with J.B. Ruhl, John Nagle & James Salzman)

The Growing Influence of Tort and Property Law on Natural Resources Law: Case Studies of Coalbed Methane Development and Geologic Carbon Sequestration, in *EVOLUTION OF NATURAL RESOURCES LAW AND POLICY* (Lawrence J. MacDonnell & Sarah F. Bates, eds., Section of Environment, Energy, and Resources, American Bar Association, 2009)

Selected Articles

Transmission Challenges for Renewable Energy: A Federalism Mismatch, *VANDERBILT L. REV.* (forthcoming 2012) (with Elizabeth Wilson)

CERCLA, State Law, and Federalism in the 21st Century, *SOUTHWESTERN L. REV.* (forthcoming 2012) (symposium essay)

Energy and Animals: A History of Conflict, *SAN DIEGO J. OF CLIMATE & ENERGY LAW* (forthcoming 2012) (symposium essay)

Renewable Energy and the Public Trust Doctrine, *U.C. DAVIS L. REV.* (forthcoming 2012)

Property Rights on the New Frontier: Climate Change, Natural Resource Development, and Renewable Energy, 38 *ECOLOGY L.Q.* 63 (2011)

State Standards for Nationwide Products Revisited: Federalism, Green Building Codes, and Appliance Efficiency Standards, 34 *HARV. ENVTL. L. REV.* 335 (2010)

Climate Change, Carbon Sequestration, and Property Rights, 2010 *U. ILL. L. REV.* 363 (2010) (with Elizabeth J. Wilson) (reprinted in 42 *LAND USE AND ENV. L. REV.* (2011) as one of the 10 best land use and environmental law articles in 2010)

Punitive Damages after Exxon Shipping Company v. Baker: The Quest for Predictability and the Role of Juries, 7 U. St. Thomas L.J. (2009) (symposium essay)

Carbon Capture and Sequestration: Identifying and Managing Risks, in BALANCING THE RISKS: MANAGING TECHNOLOGY AND DANGEROUS CLIMATE CHANGE (Berkeley Electronic Press, Issues in Legal Scholarship 2009) (with Elizabeth J. Wilson), at <http://www.bepress.com/ils/vol8/iss3/art1/>

Climate Change and Reassessing the "Right" Level of Government: A Response to Bronin, 93 MINN. L. REV. HEADNOTES 15 (2009), at <http://journal.law.umn.edu/content/climate-change-and-reassessing-right-level-government>

Tort Experiments in the Laboratories of Democracy, 50 WM. & MARY L. REV. 1501 (2009)

Carbon Sequestration and Sustainability, 44 TULSA L. REV. 235 (2008) (with Sara E. Bergan) (symposium essay)

Climate Change and Carbon Sequestration: Assessing a Liability Regime for Long-term Storage of Carbon Dioxide, 58 EMORY L.J. 103 (2008) (with Elizabeth J. Wilson)

State Innovation and Preemption: Lessons from State Climate Change Efforts, 42 LOY. L.A. L. REV. 1563 (2008)

The Frontier of Eminent Domain, 79 U. COLO. L. REV. 651 (2008) (reprinted in 40 LAND USE AND ENV. L. REV. (2009) as one of the 11 best land use and environmental law articles in 2008)

Punitive Damages and Valuing Harm, 92 MINN. L. REV. 83 (2007)

Common Law and Federalism in the Age of the Regulatory State, 92 IOWA L. REV. 545 (2007)

Modern Public Trust Principles: Recognizing Rights and Integrating Standards, 82 NOTRE DAME L. REV. 699 (2006)

Adverse Possession and Conservation: Expanding Traditional Notions of Use and Possession, 77 U. COLO. L. REV. 283 (2006)

Pesticides, Children's Health Policy, and Common Law Tort Claims, 7 MINN. J. LAW, SCIENCE & TECH. 89 (2005)

Bees, Trees, Preemption and Nuisance: Resolving Pesticide Land Use Disputes through FIFRA, 32 ECOLOGY L. Q. 763 (2005)

From Reservoirs to Remediation: The Impact of CERCLA on Common Law Strict Liability Environmental Claims, 39 WAKE FOREST L. REV. 903 (2004) (cited in *Atlantic Research Corp. v. United States*, 459 F.3d 827 (8th Cir. 2006), *aff'd*, 127 S. Ct. 2331 (2007); RESTATEMENT (THIRD) OF TORTS § 20 (P.F.D. No. 1, 2005))

The Expansion of Punitive Damages in Minnesota: Environmental Litigation after Jensen v. Walsh, 30 WM. MITCHELL L. REV. 177 (2003)

Selected Seminars and Presentations

"Transmission Challenges for Renewable Energy: A Federalism Mismatch," Searle Center Conference on Federalism and Energy in the United States, Northwestern University Law School, March 2012

"Transmission Challenges for Renewable Energy: A Federalism Mismatch," Supply and Demand: Barriers to a New Energy Future, Vanderbilt Law Review Symposium, February 2012

"Transmission Challenges for Renewable Energy: A Federalism Mismatch," Electric Power in a Carbon Constrained World, Stegner Center, University of Utah College of Law, February 2012

"The Public Trust Doctrine and Renewable Energy," UC Hasting Law School, January 2012

"Takings and Transmission," 14th Annual Conference on Litigating Takings Challenges to Land Use and Environmental Regulations, Vermont Law School and Georgetown University Law Center, Washington, D.C., November 2011

"CERCLA, State Law, and Federalism in the 21st Century," Symposium on CERCLA and the future of Liability-Based Environmental Regulation, Southwestern Law School, November 2011

"Renewable Energy and the Public Trust Doctrine," Rocky Mountain Mineral Law Foundation, 15th Institute for Natural Resources Law Teachers, Portland, Oregon

"Energy and Animals: A History of Conflict," Annual Climate and Energy Law Symposium, University of San Diego School of Law, April 2011

"Renewable Energy and the Public Trust Doctrine," Symposium on "The Public Trust Doctrine 30 Years Later," UC Davis Law School, March 2011

Moderator, "Climate Change Issues for 2011," Panel on Legal and Practical Implications, William Mitchell College of Law, February 2011

"Property Rights on the New Frontier: Climate Change, Natural Resources Development, and Renewable Energy," Institute on the Environment, University of Minnesota, October 2010

"Property Rights on the New Frontier: Climate Change, Natural Resources Development, and Renewable Energy," Energy and Environment Workshop, Stanford Law School, October 2010

"Property Rights on the New Frontier: Climate Change, Natural Resources Development, and Renewable Energy," Climate Change Law and Policy Workshop hosted by Duke University School of Law and University of Colorado Law School, August 2010

"Property Rights on the New Frontier: Climate Change, Natural Resource Development, and Renewable Energy," American Association of Law Schools (AALS) Mid-Year Conference on Property, New York, NY, June 2010

"Hot Topics in Environmental Litigation," Minnesota Environmental Institute, Minneapolis, April 2010

"Property Rights in Subsurface Pore Space," U.S. Interagency Task Force on Carbon Capture and Storage (Task Force created by Presidential Memorandum to create a comprehensive federal strategy to implement CCS), April 2010

"Climate Change, Carbon Sequestration, and Property Rights," Symposium: The Intersection of Renewable Energy Development and Geoengineering, Washington & Lee Law School, March 2010

"Climate Change, Carbon Sequestration, and Property Rights," Association for Law, Property and Society Annual Meeting, Georgetown Law Center, March 2010

"Restoring the Trust: Water Resources and the Public Trust Doctrine," University of Florida Law School Sixteenth Annual Public Interest Environmental Law Conference, February 2010

Moderator, "Federal Preemption of State and Local Environmental Initiatives: The Latest Battles," ABA Section of Environment, Energy, and Resources, December 2009

Moderator, "The Role of Nuclear Energy in a Low Carbon Future: Should Minnesota Repeal the Nuclear Moratorium?" Minnesota State Bar Association, Environmental, Natural

Resources, and Energy Law Section and Public Utilities Law Section, December 2009

"Climate Change, Carbon Sequestration, and Property Rights," Conference on "Litigating Regulatory Takings Challenges to Land Use and Environmental Regulations," Vermont Law School, November 2009

"Climate Change, Carbon Sequestration, and Property Rights," Georgetown Law Center, October 2009

"Punitive Damages after *Exxon Shipping Company v. Baker*: The Quest for Predictability and the Role of Juries," Symposium on "*Exxon Valdez* Revisited: Rights and Remedies," University of St. Thomas School of Law, October 2009

Panel on Environmental Law and Industrial Scale Renewables, Conference: "Can Government Be Green?" University of Pennsylvania Law School, September 2009

"Climate Change, Carbon Sequestration, and Property Rights," Property Works-in-Progress Conference, University of Colorado Law School, June 2009

"Climate Change and Geologic Carbon Sequestration," Rocky Mountain Mineral Law Foundation, 14th Institute for Natural Resources Law Teachers, Chico Hot Springs, Montana, May 2009

Climate Change Panel, "Layering Governance: Multi-Level Regulation under Bush and Beyond," Emory University School of Law, May 2009

"Carbon Capture and Sequestration: Assessing Liability and Property Regimes," Minnesota Environmental Institute, Minneapolis, April 2009

Workshop, "Overcoming Legal and Financial Obstacles to CCS," Harvard Law School, March 2009

"Tort Experiments in the Laboratories of Democracy," Notre Dame Law School, February 2009

"Carbon Capture and Sequestration: The Legal and Regulatory Challenges," Dorsey & Whitney LLP, Minneapolis, MN, January 2009

"The Frontier of Eminent Domain," Conference on "Litigating Takings and Other Legal Challenges to Land Use and Environmental Regulation," Stanford Law School, November 2008

"Tort Experiments in the Laboratories of Democracy," Emory University School of Law, October 2008

"State Innovation and Preemption," Georgetown Law Center, October 2008

"Tort Experiments in the Laboratories of Democracy," University of Pittsburgh School of Law, August 2008

"Tort Experiments in the Laboratories of Democracy," University of Minnesota Law School, July 2008

"Climate Change and Carbon Sequestration," Property Works-in-Progress Conference, University of Colorado Law School, June 2008

"The Frontier of Eminent Domain," Law and Society Conference, Montreal, Canada, June 2008

Invited Participant, Research Roundtable: Expansion of Liability under Public Nuisance, Searle Center on Law, Regulation, and Economic Growth, Northwestern University School of Law, April 2008

"Water and Wetlands Update," Environmental Law Institute, Minneapolis, April 2008

"State Innovation and Preemption," University of Florida Levin College of Law, March 2008

"Climate Change and Carbon Sequestration," University of Minnesota Law School, March 2008

"State Innovation and Preemption," Frontiers of Tort Law Symposium, Loyola Law School/Los Angeles, January 2008

"The Frontier of Eminent Domain," Faculty Squaetable, University of Minnesota Law School, June 2007

"The Growing Influence of Tort and Property Law on Natural Resources Law," Colorado Law School Natural Resources Law Center 25th Anniversary Conference, June 2007

"Punitive Damages and Valuing Harm," Faculty Works-in-Progress, University of Minnesota Law School, March 2007

"Statutory Interpretation -- Massachusetts v. U.S. EPA," Constitution Day, University of Minnesota Law School, September 2006

"Modern Public Trust Principles: Recognizing Rights and Integrating Standards," Big Ten Unentured Scholars Conference, Indiana University School of Law – Bloomington, July 2006

"Modern Public Trust Principles: Recognizing Rights and Integrating Standards," Faculty Works-in-Progress, University of Minnesota Law School, June 2006

"Streamlining, Rightsizing or Destroying? Proposed Changes to the Endangered Species Act and the National Environmental Policy Act," Environmental Law Institute, MILE, Minneapolis, April 2006

"Women Making a Difference in the Judicial System," League of Women Voters of Minnesota Education Fund, Leaders of Today and Tomorrow ("LOTT"), St. Paul, January 2006

"Common Law and Federalism in the Age of the Regulatory State," Faculty Works-in-Progress, Florida State University Law School, November 2005

"Pesticides, Children's Health Policy and Common Law Tort Claims," Faculty Works-in-Progress, University of Minnesota Law School, September 2005

"Developments in Pesticide Law," Natural Resources and Environmental Law Current Issues, Minnesota Attorney General's Office CLE, St. Paul, June 2005

"Current Issues in NCP Compliance under CERCLA," Geomatrix Consultants, Minneapolis, May 2005

Moderator, "Where are Law Ethics & the Life Sciences Headed? Frontier Issues," University of Minnesota Law School, Minneapolis, May 2005

"Legislative and Regulatory Update," Environmental Law Institute, MILE, Minneapolis, April 2005

"How will the Supreme Court's Upcoming Decision in Kelo v. City of New London Affect the Public Use Requirement for Eminent Domain?," William Mitchell American Constitution Society for Law and Policy, St. Paul, April 2005

"Adverse Possession and Conservation: Expanding Traditional Notions of Use and Possession," Faculty Colloquium, William Mitchell College of Law, April 2005

Representative Litigation

Minnesota Center for Environmental Advocacy v. Minnesota Public Utilities Commission, et al., Case No. 15-CV-08-865 (pro bono counsel for plaintiff in challenge to state public utilities commission environmental review and failure to consider increased greenhouse gas emissions in connection with approval of certificate of need and pipeline routing permit for pipeline company to transport oil from the Alberta Tar Sands oil fields in Canada to the United States)

Woods & Wetlands Alliance v. City of Savage, Case No. 70-CV-07-2268 (lead pro bono counsel for plaintiff citizens group in action in Scott County District Court to require city and developer to comply with state environmental review laws and state environmental rights laws in connection with proposed residential development)

Friends of Twin Lakes v. City of Roseville and Rottlund Homes, 2006 WL 2347879 (Minn. Ct. App., Aug. 10, 2006) (lead pro bono counsel for plaintiff citizens group in successful action to require city to comply with state laws relating to local planning and environmental review prior to going forward with commercial and residential development inconsistent with city planning documents and posing an environmental threat to a nearby park, lake and wildlife habitat)

Anderson v. Minnesota Department of Natural Resources and International Paper Co., 693 N.W.2d 181 (Minn. 2005) (lead defense counsel in action seeking damages for alleged pesticide damages to foraging bees under theories of negligence, negligence per se and nuisance)

Kennedy Building Associates v. Viacom, Inc., 375 F.3d 731 (8th Cir. 2004) (counsel for plaintiff in action to recover response costs, compensatory and punitive damages under CERCLA, MERLA, MERA and common law tort claims in connection with PCB contamination on commercial property)

Shakopee Mdewakanton Sioux Community v. City of Prior Lake and Ryan Contracting Co. (lead counsel for plaintiff tribe in action under the Minnesota Environmental Rights Act to prevent construction of gravel pit near tribe's drinking water well and a protected wetland)

In Re Appeal of Condition 7 of Change No. 4 to Thundercloud Amendment Permit 233-T6, Black Thunder Mine (lead counsel in appeal to the Wyoming Environmental Quality Council of state's classification of land within client's coal mine for reclamation purposes)

Union Pacific Railroad v. Reilly Industries, Inc., 215 F.3d 830 (8th Cir. 2000) (counsel for defendant in action under CERCLA, MERLA and the common law seeking recovery of cleanup costs for PAH contamination at industrial site)

Ben Oehrleins & Sons and Daughter, Inc., et al. v. Hennepin County, 115 F.3d 1372 (8th Cir. 1997) (counsel for plaintiff waste haulers and landfill in action seeking injunctive relief and

damages based on claims under the dormant commerce clause challenging county waste flow control ordinance)

Education

University of Wisconsin Law School, Madison, WI

J.D., 1992, *cum laude*

Order of the Coif

Articles Editor, *Wisconsin Law Review*, 1991-1992

American Jurisprudence Award in Administrative Law and Constitutional Law

University of Michigan, Ann Arbor, MI

B.A., 1988, with distinction

Concentrations in Political Science and French

Varsity Gymnastics Team, Athletic Scholarship Recipient

Professional and Community Activities

Member Scholar, Center for Progressive Reform,
<http://www.progressiveregulation.org/>

Director, Minnesota Center for Environmental Advocacy

Environmental and Natural Resources Section, Minnesota State Bar Association, Secretary (2006-2007), Treasurer (2007-2008), Governing Council Member (2005-present)

Director, Federal Bar Association, Minnesota Chapter, 2001-2011

Eighth Circuit Vice President, Federal Bar Association, 2002-2004

Resources for Redevelopment Advisory Committee, Minnesota Environmental Initiative, 2005-2006

Co-chair, Environmental Law Committee, Hennepin County Bar Association, 2000-2006

Admissions

Admitted to practice before the U.S. Court of Appeals for the Eighth Circuit, the U.S. District Courts for the District of Minnesota and the Eastern and Western Districts of Wisconsin, and the State Courts of Minnesota and Wisconsin