

LYNN E. BLAIS

Curriculum Vitae

UNIVERSITY ADDRESS:

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ACADEMIC POSITIONS

UNIVERSITY OF TEXAS SCHOOL OF LAW – (1991-PRESENT)

Co-Director – Supreme Court Clinic (2007-present)
Leroy G. Denman, Jr., Regents Professor in Real Property Law (1999-present)
Co-Founder and Co-Director – Environmental Law Clinic (2005-2007)
Associate Dean for Academic Affairs (1999-2001)
Co-Director – Capital Punishment Clinic (1991-94)
Professor of Law (1997-1999)
Assistant Professor of Law (1991-1997)

OTHER LEGAL EXPERIENCE

UNITED STATES SUPREME COURT

Law Clerk to the Honorable Harry A. Blackmun, Associate Justice (1990-1991)

HALL AND PHILLIPS, LOS ANGELES, CALIFORNIA

Public Interest Visiting Fellow. Environmental and Federal False Claims Act
Litigation (1989-1990)

UNITED STATES DISTRICT COURT, E.D. TEXAS

Law Clerk to the Honorable William Wayne Justice, Chief Judge (1988-1989)

EDUCATION

HARVARD LAW SCHOOL

J.D. 1988, *Magna cum Laude*
Editor, Harvard Law Review
John M. Olin Fellow in Law and Economics

WELLESLEY COLLEGE

A.B. 1983, Economics and Political Science

PUBLICATIONS

The Total Takings Myth (work in progress)

The Public Use Clause and Heightened Rational Basis Review, 48 CONN. L. REV. (forthcoming 2016)

The Legitimate Reach of the Environmental Revolution, 37 HARV. J. L. AND PUB. POL'Y 12 (Winter 2014)

The Problem with Pretext, XXXVIII FORDHAM URBAN LAW JOURNAL 963 (2011).

Land Use Initiatives to Prevent Childhood Obesity and Potential Obstacles from State Takings Laws, report submitted to the National Policy and Legal Analysis Network to Prevent Childhood Obesity, September 2010 (with Gerald Torres), found at:
http://www.nplanonline.org/sites/phlpnet.org/files/editor/General_State_Takings_Limitation_Memo_Final_201009.pdf

Land Use Initiatives to Prevent Childhood Obesity and Potential Obstacles from State Takings Laws – Individual State Analyses, reports submitted to the National Policy and Legal Analysis Network to Prevent Childhood Obesity, September 2010 (with Gerald Torres), found at:
http://www.nplanonline.org/nplan/products/takings_survey

Promoting Healthy Communities through Land Use Initiatives: Federal Limits on Regulatory Takings of Property: report submitted to the National Policy and Legal Analysis Network to Prevent Childhood Obesity, September 2010 (with Gerald Torres), found at:
http://www.nplanonline.org/sites/phlpnet.org/files/editor/Federal_Regulatory_Takings_Final_201009.pdf

Promoting Healthy Communities through Land Use Initiatives: Federal Limits on Physical Taking of Property for Public Use: report submitted to the National Policy and Legal Analysis Network to Prevent Childhood Obesity, September 2010 (with Gerald Torres), found at:
http://www.nplanonline.org/sites/phlpnet.org/files/editor/Federal_Eminent_Domain_Final_201009.pdf

Emerging Science, Adaptive Regulation, and the Problem of Rulemaking Ruts, 87 Tex. L. Rev. 1701 (2008) (with Wendy E. Wagner)

Urban Revitalization in the Post-Kelo Era, XXXIV FORDHAM URBAN LAW JOURNAL 657 (2007).

Children's Health and Environmental Exposure Risks: Information Gaps, Scientific Uncertainty, and Regulatory Reform, 17 DUKE ENVIRONMENTAL LAW & POLICY FORUM 249 (2007) (with Wendy E. Wagner)

Beyond Cost-Benefit: The Maturation of Economic Analysis and Its Implications for Environmental Policymaking, 2000 UNIVERSITY OF ILLINOIS LAW REVIEW 237 (Symposium Issue)

Environmental Racism Reconsidered, 75 NORTH CAROLINA LAW REVIEW 75 (1996)

Takings, Statutes, and the Common Law: Considering Inherent Limitations on Title, 70 SOUTHERN CALIFORNIA LAW REVIEW 1 (1996)

Simple Justice/Simple Murder: Reflections on Judicial Modesty, Federal Habeas, and Justice Blackmun's Capital Punishment Jurisprudence, 97 DICKINSON LAW REVIEW 513 (Spring 1993)

Note, Fee Simple: A Proposal to Adopt a Two-way Fee Shift for Low Income Litigants, 101 HARVARD LAW REVIEW 1231 (1988)

Munnell & Blais, *Do We Want Large Social Security Surpluses?*, NEW ENGLAND ECONOMIC REVIEW (Sept/Oct 1984)

Munnell, Blais & Keefe, *The Pitfalls of Social Investing: The Case of Public Pensions and Housing*, NEW ENGLAND ECONOMIC REVIEW (Sept/Oct 1983)

RECENT PRESENTATIONS

How Will the Supreme Court Decide U.S. v. Texas? A Panel Discussion, University of Texas School of Law, April 2016

SCOTUS in Transition – The Scalia Vacancy and Its Impact on the Courts, American Constitution Society Austin Lawyers' Chapter, April 2016

The Public Use Clause and Heightened Rational Basis Review, faculty workshop for works in progress, The Washington and Lee School of Law, November 2015

The Legitimate Reach of the Environmental Revolution, presentation and panel discussion at the 2013 Annual Student Symposium of The Federalist Society, Austin, Texas, March 2013

The Competing and Complimentary Roles of Agencies and Courts in Environmental Protection: Citizen's Suits versus Public Prosecutors, presentation for the panel on Comparative Environmental Law: Brazil - U.S., at the 18th Brazilian Conference on Environmental Law, Sao Paulo, Brazil, June 2013

The Role of Environmental Public Prosecutors – Lessons from Brazil for the United States, presentation and panel discussion at a symposium at the University of Brasilia's Center for Sustainable Development, Brasilia, Brazil, June 2013

GRANTS RECEIVED

2009 – Public Health Institute: Grant to research and report on Local Government Land Use and Eminent Domain Powers; 10 State Survey

2008 – Public Health Institute: Grant to research and report on Regulatory Takings and Eminent Domain under State Law

2007 – Public Health Institute: Grant to research and report on Regulatory Takings and Eminent Domain under the United States Constitution

REPRESENTATIVE SAMPLE - APPELLATE LITIGATION

SUPREME COURT OF THE UNITED STATES

Merits Briefs:

Jesinoski v. Countrywide Home Loans, No. 13-684 (briefs for Petitioners) (on briefs)

Township of Mt. Holly v. Mt. Holly Gardens, No. 11-1507 (brief for Respondent) (on brief)

Health Care Services Corp. v. Pollitt, No. 09-38 (brief for Respondent) (on brief)

14 Penn Plaza LLC v. Pyett, No. 07-581 (brief for Respondent) (on brief)

Cert Petitions:

Rojas-Perez v. Holder, No. 13-174 (cert petition) (on brief)

Baud v. Carroll, No. 11-27 (cert petition) (on brief)

Amicus Briefs:

Hollingsworth v. Perry, No. 12-144 (amicus brief of adoption and child welfare advocates) (on brief)

Northwest Municipal Utility District No. One v. Holder, No. 08-322 (amicus brief of members of the Texas House of Representatives) (counsel of record)

FIFTH CIRCUIT COURT OF APPEALS

Coffin v. Blessey Marine, No. 13-20144 (amicus brief of The American Waterways Operators) (counsel of record)

SUPREME COURT OF TEXAS

Severance v. Patterson, No. 09-0387 (amicus brief of the Galveston Chamber of Commerce) (counsel of record)

Hallco v. McMullen County, No. 02-1176 (merits briefs for Petitioner) (on briefs and presented oral argument)