

## BRADFORD C. MANK

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### PROFESSIONAL

1991- present	<b>UNIVERSITY OF CINCINNATI COLLEGE OF LAW, CINCINNATI, OHIO</b>
6/1/2016-present	<b>Associate Dean for Academic Affairs</b> (primary role in curriculum; faculty course scheduling; compliance with American Bar Association (ABA) regulatory standards; co-chair ABA site inspection/reaccreditation visit in February 18-21 2018; College point of contact person for Higher Learning Commission Reaccreditation Visit, September 24-26, 2018; consulted on faculty sabbaticals, and partial involvement in student affairs issues)
7/1/2001-present	<b>James B. Helmer, Jr. Professor of Law</b>
1997-present	<b>Professor of Law</b>
1995-1997	<b>Associate Professor of Law</b>
1991-1995	<b>Assistant Professor of Law</b>

**Courses:** Current Teaching Package: Environmental Law I, Administrative Law; previously taught International Environmental Law; Environmental Law II seminar; The U.S. Legal System (required for LL.M. students)

### Honors/Awards

The Office of Provost and the Office of Research, Award for Faculty Excellence (2016) (nominated by Dean Jennifer Bard); 2017 (nominated by Interim Dean Verna Williams)

Harold C. Schott Publication Award, 2004 (recognizing outstanding scholar of the year) (selected by Dean)

Harold C. Schott Publication Prizes, 2002, 2003, 2006 (recognizing excellent scholarship) (selected by Dean)

Goldman Prize for Excellence in Teaching, 2001 (selected by students & Dean)

Faculty Merit Awards, 2010, 2011, 2012, 2014, 2015, 2016 (selected by Dean)(the date listed is when I received the merit award; the award is usually based on work done in prior academic years).

Faculty Bonus Award for the period of September 1, 2002 through August 31, 2005 (selected by Dean).

Faculty Bonus Awards 1996, 1997 (Tier One Awards) (selected by Dean with advice of elected faculty committee)

Parker/McFarland Award of Excellence, Public Interest Service & Support, 2003 (selected by student/faculty committee)

Research Sabbaticals, Fall 2013, Spring 2006, Fall 1998

## **Practice**

- 1989-1991      **ASSISTANT ATTORNEY GENERAL**, State of Connecticut, Hartford, CT  
(Environmental law)
- 1988-1989      **ASSOCIATE**, Murtha, Cullina, Richter and Pinney, Hartford, CT  
(Environmental law)
- 1987-1988      **LAW CLERK**, Justice David M. Shea  
Connecticut Supreme Court, Hartford, CT

## **EDUCATION**

- 1984-1987      **YALE LAW SCHOOL**, New Haven, CT  
J.D., June 1987 (Yale Law School does not grant graduation honors nor rank students.  
Grades: "Honors" ("A") -- 17 Courses (83% of graded credit hours)
- Editor, **Yale Law Journal**, Volume 96 (1986-87)  
Research Assistant, Professor Kate Stith  
(76 **Calif. L. Rev.** 593, 595 (1988))
- 1979-1983      **HARVARD UNIVERSITY**, Cambridge, MA  
A.B., Summa Cum Laude  
History, June 1983  
Phi Beta Kappa; National Merit Scholar

## **ARTICLES & ESSAYS**

*Can Judges Use Due Process Concepts in Obergefell to Impose Judicial Regulation of Greenhouse Gases and Climate Change?: The Crucial Case of Juliana v. United States*, 7 *Belmont Law Review* 277-307 (2020) (Invited Environmental Symposium article), [https://cpb-us-w2.wpmucdn.com/blogs.belmont.edu/dist/8/25/files/2020/03/Mank\\_277-307.pdf](https://cpb-us-w2.wpmucdn.com/blogs.belmont.edu/dist/8/25/files/2020/03/Mank_277-307.pdf)

State Standing and National Injunctions (with Michael Solimine), *Federal Courts, Practice & Procedure Issue*, 94 *Notre Dame L. Rev.* 1955-1983 (2019)

*Does the Evolving Concept of Due Process in Obergefell Justify Judicial Regulation of Greenhouse Gases and Climate Change?: Juliana v. United States*, 52 *U.C. Davis Law Review* 855-903 (December 2018)

*State Standing in United States v. Texas: Opening the Floodgates to States Challenging the Federal Government or Proper Federalism?* 2018 **U. ILL. L. REV.** 211.

Commentary, *The Supreme Court Acknowledges Congress' Authority to Confer Informational Standing in Spokeo, Inc. v. Robins*, 94 **Washington University Law Review** 1377 (2017)

*Data Breaches, Identity Theft and Article III Standing: Will the Supreme Court Resolve the Split in the Circuits?* 92 **Notre Dame L. Rev.** 1323-68 (2017)

*Does a House of Congress Have Standing Over Appropriations?: The House of Representatives Challenges the Affordable Care Act*, 19 **University of Pennsylvania Journal of Constitutional Law** 141-90 (2016) (published Feb. 2017)

*Article III Standing for Private Plaintiffs Challenging Greenhouse Gas Regulations*, 53 **San Diego L. Rev.** 287-334 (2016)(published 12-2016)

*Prudential Standing Doctrine Abolished or Waiting for a Comeback?: Lexmark International, Inc. v. Static Control Components, Inc.*, 18 **University of Pennsylvania Journal of Constitutional Law** 213-263 (Fall 2015)

Essay, *Standing to View Other People's Land: The D.C. Circuit's Divided Decision in Sierra Club v. Jewell*, 40 **Columbia Journal of Environmental Law** 305 (2015) (published 7/2015)

*Does United States v. Windsor (the DOMA case) Open the Door to Congressional Standing Rights?*, 76 **University of Pittsburgh Law Review** 1-62 (2014) (published 7/2015)

*No Article III Standing for Private Plaintiffs Challenging State Greenhouse Gas Regulations: The Ninth Circuit's Decision in Washington Environmental Council v. Bellon*, 63 **AMERICAN UNIVERSITY LAW REVIEW** 1525-85 (2014) (published 7/2014)

*Clapper v. Amnesty International: Two or Three Competing Philosophies of Standing Law?*, 81 **TENNESSEE LAW REVIEW** 211-275 (2014)(published 6/2014)

*Is Prudential Standing Jurisdictional?*, 64 **CASE WESTERN RESERVE LAW REVIEW** 413-454 (2013; actually published 5/2014)

*Standing for Private Parties in Global Warming Cases: Traceable Standing Causation Does Not Require Proximate Causation*, 2012 **MICH. ST. L. REV.** 869-932(published 6/2013).

*Judge Posner's "Practical" Theory of Standing*, 50 **HOUSTON LAW REVIEW** 71-130 (2012).

*Reading the Standing Tea Leaves in American Electric Power v. Connecticut*, 46 **University of Richmond Law Review** 543-602 (2012).

*Informational Standing After Summers*, 39 **Boston College Environmental Affairs Law Review** 1-54 (2011)

Essay, *Standing in Monsanto Co. v. Geertson Seed Farms: Using Economic Injury as a Basis for Standing When Environmental Harm is Difficult to Prove*, 115 **Penn State Law Review** 307-339 (2010 [published in 2011])

*Revisiting the Lyons Den: Summers v. Earth Island Institute's Misuse of Lyons' "Realistic Threat" of Harm Standing Test*, 42 **Arizona State Law Journal** 837-899 (2010)

*Summers v. Earth Island Institute: Its Implications for Future Standing Decisions*, 40 **Envtl. L. Rep.** 10958-73 (Oct. 2010) (solicited article based in part on February 26, 2010 Georgetown Law School Symposium Presentation)

*Summers v. Earth Island Institute Rejects Probabilistic Standing, But a "Realistic Threat" of Harm is a Better Standing Test*, 40 **Environmental Law** 89-139 (2010) (published by Lewis & Clark Law School, ranked No. 2 in environmental law by U.S. News & World Report in 2009).

The Supreme Court's New Public-Private Distinction Under the Dormant Commerce Clause: Avoiding the Traditional Versus Nontraditional Classification Trap, 37 **Hastings Constitutional Law Quarterly** 1-64 (Fall 2009).

Standing and Statistical Persons: A Risk-Based Approach to Standing, 36 **Ecology Law Quarterly** 665-754 (published at California-Berkeley) (2009)(featured discussion in Dawn Reeves, Legal Scholar Advocates Statistical Risk-Based Test For Lawsuit Standing, Risk Policy Report, Inside EPA.com, Dec. 9, 2009, [http://www.insideepa.com/secure/docnum.asp?docnum=1292009\\_standing](http://www.insideepa.com/secure/docnum.asp?docnum=1292009_standing) (subscription required)).

Standing and Future Generations: Does *Massachusetts v. EPA* Open Standing for the Unborn?, 34 **Columbia J. Env'tl. L.** 1-97 (2009) (abridged version published by American Bar Association, 34:3 **Administrative & Regulatory Law News** 5-6, 15 (Spring 2009)).

Should States Have Greater Standing Rights Than Ordinary Citizens?: *Massachusetts v. EPA's* New Standing Test for States, 49 **William & Mary L. Rev.** 1701-1787 (2008) (cited in *Connecticut v. American Electric Power*, footnote 15 (2d Cir. 2009); *N.C. ex rel. Cooper v. Tenn. Valley Auth.*, 593 F. Supp. 2d 812 (W.D.N.C. 2009)).

Can Plaintiffs Use Multinational Environmental Treaties as Customary International Law to Sue Under the Alien Tort Statute?, 2007 **Utah L. Rev.** 1085-1170 (2007)

Are Public Facilities Different From Private Ones? : Adopting a New Standard of Review for the Dormant Commerce Clause 60 **SMU Law Rev.** 157-207 (2007) (described as an "excellent treatment" of the *United Haulers* case, Kenneth L. Karst, "From Carbone to United Haulers: The Advocates' Tales," 2007 *Supreme Court Review* 237, 240 n.12).

After *Gonzales v. Raich*: Is the Endangered Species Act Constitutional under the Commerce Clause?, 78, **University of Colorado Law Review** 375-463 (2007)

Implementing Rapanos-Will Justice Kennedy's Significant Nexus Test Provide a Workable Standard for Lower Courts, Regulators and Developers?, 40 **Indiana Law Rev.** 291-349 (2007)

Title VI and the Warren County Protests, 1 **Golden Gate Environmental Law Review** 73-89 (2007) (solicited article featured in symposium celebrating the 25<sup>th</sup> Anniversary of Warren County, North Carolina Environmental Justice Protests Opposing Landfill in Minority Area)

Prudential Standing and the Dormant Commerce Clause: Why the "Zone of Interests" Test Should Not Apply to Constitutional Cases, 48 **Arizona Law Review** 23-65 (Spring 2006)

A Scrivener's Error or Greater Protection of the Public: Does the EPA Have the Authority to Delist "Low-Risk" Sources of Carcinogens From Section 112's Maximum Available Control Technology Requirements?, 24 **Virginia Environmental Law Journal** 75-124 (Fall 2005)

Standing and Global Warming: Is Injury to All Injury to None?, 35 **Environmental Law** 1-84 (2005) (published by Lewis & Clark Law School, ranked No. 1 in environmental law by U.S. News & World Report in 2005)

Can Administrative Regulations Interpret Rights Enforceable Under Section 1983?: Why Chevron Deference Survives *Sandoval* and *Gonzaga*, 32 **Fla. St. U. L. Rev.** 843-896 (2005) (excerpted in Rechtschaffen et al. ENVIRONMENTAL JUSTICE (2d ed. 2009)

Are Anti-Retaliation Regulations in Title VI or Title IX Enforceable in a Private Right of Action: Does *Sandoval* or *Sullivan* Control This Question?, 35 **Seton Hall L. Rev.** 47 (2004)

Can Congress Regulate Intrastate Endangered Species Under the Commerce Clause?, 69 **Brooklyn L. Rev.** 923-1001 (2004)

The Murky Future of the Clean Water Act After *SWANCC*, 30 **Ecology Law Quarterly** 811-91 (2003) [University of California, Berkeley].

Suing Under § 1983: The Future After *Gonzaga v. Doe*, 39 **Houston L. Rev.** 1417-82 (2003).

Essay, Are Title VI's Disparate Impact Regulations Valid?, 71 **U. Cin. L. Rev.** 517 (2002) (Faculty Symposium/Solicited).

Legal Context: Reading Statutes in Light of Prevailing Legal Precedent, 34 **Arizona State Law Journal** 815-70 (2002).

Protecting Intrastate Threatened Species: Does the Endangered Species Act Encroach on Traditional State Authority and Exceed the Outer Limits of the Commerce Clause?, 36 **Georgia Law Review** 723-95 (2002).

South Camden Citizens In Action v. New Jersey Department of Environmental Protection: Will Section 1983 Save Title VI Disparate Impact Suits?, 32 **Envtl. L. Rep.** 10454-10479 (Envtl. L. Institute) (April 2002).

Proving an Environmental Justice Case: Determining an Appropriate Comparison Population, 20 **Virginia Env'tl. L.J.** 365-430 (2001).

(Co-author with Denis Binder et al) A Survey of Federal Agency Response to President Clinton's Executive Order 12898 on Environmental Justice, 31 **Envtl. L. Rep.** 11133-11167 (Envtl. L. Institute) (Oct. 2001) (authored EPA portion of article)

Using Section 1983 to Enforce Title VI's Section 602 Regulations, 49 **Kansas L. Rev.** 321-382 (2001).

The Draft Recipient Guidance and Draft Revised Investigation Guidance: Too Much Discretion for the EPA and a More Difficult Standard for Complainants?, 30 **Envtl. L. Rep.** 11144-11174 (Envtl. L. Institute) (Dec. 2000).

Should State Corporate Law Define Success or Liability? The Demise of CERCLA's Federal Common Law, 68 **U. Cin. L. Rev.** 1157-1198 (2000) (Symposium/Solicited).

Do State Brownfield Programs Violate Title VI?, 24 **Harv. Env'tl. L. Rev.** 115-187 (2000).

Title VI and Environmental Justice: Making Recipients Justify Their Siting Decisions, 73 **Tulane L. Rev.** 787-843 (1999).

Is There a Private Cause of Action Under EPA's Title VI Regulations?: The Need to Empower Environmental Justice Plaintiffs, 24 **Colum. Envtl. L. Rev.** 1-61 (1999).

The EPA's Project XL and Other Regulatory Reform Initiatives: The Need for Legislative Authorization, 25 **Ecology Law Quarterly** 1-88 (1998) [University of California, Berkeley].

Textualism's Selective Canons of Statutory Construction: Reinvigorating Individual Liberties, Legislative Authority and Deference to Executive Agencies, 86 **Kentucky L.J.** 527-616 (1998).

American Mining Congress v. Army Department: Ignoring Chevron and the Clean Water Act's Broad Purposes, 25 **N. Ky. L. Rev.** 51 (1997) [Solicited/Symposium].

Is a Textualist Approach to Statutory Interpretation Pro-Environmentalist?: Why Pragmatic Agency Decisionmaking Is Better Than Judicial Literalism, 53 **Wash. & Lee L. Rev.** 1231-92 (1996).

Protecting the Environment for Future Generations: A Proposal for a "Republican" Superagency, 5 **N.Y.U. Envtl. L.J.** 444-516 (1996).

Environmental Justice and Discriminatory Siting: Risk-Based Representation and Equitable Compensation, 56 **Ohio St. L.J.** 329-425 (1995).

What Comes After Technology: Using an "Exceptions Process" to Improve Residual Risk Regulation of Hazardous Air Pollutants, 13 **Stan. Envtl. L.J.** 263-345 (1994) (quoted with approval in *Natural Resources Defense Council v. EPA*, --- F.3d ----, 2008 WL 2310951 n.5 (D.C. Cir. 2008)).

Superfund Contractors and Agency Capture, 2 **N.Y.U. Envtl. L.J.** 34 (1993).

Preventing Bhopal: "Dead Zones" and Toxic Death Risk Index Taxes, 53 **Ohio St. L.J.** 761 (1992).

The Two-Headed Dragon of Siting and Cleaning Up Hazardous Waste Dumps: Can Economic Incentives or Mediation Slay the Monster?, 19 **B.C. Envtl. Aff. L. Rev.** 239 (1991).

Out-of-State Trash: Solid Waste and the Commerce Clause, 38 **Wash. U. J. Urb. & Contemp. L.** 25 (1990).

Rewarding Defendant Cooperation Under the Federal Sentencing Guidelines, 26 **Crim. L. Bull.** 399 (1990).

Truth in Sentencing: Accepting Responsibility Under the United States Sentencing Guidelines, 25 **Gonz. L. Rev.** 183 (1989/90).

Do the United States Sentencing Guidelines Deprive Defendants of Due Process?, 37 **Drake L. Rev.** 377 (1987/88).

Broken Promises and Involuntary Confessions, 36 **Clev. St. L. Rev.** 423 (1988).

Post-Sentence Sentencing: Determining Probation Revocation Sanctions, 18 **Cumb. L. Rev.** 437 (1988).

Corrections Law: The Role of Employment Factors in Sentencing, 24 **Crim. L. Bull.** 249 (1988).

The Scope of Criminal Restitution: Awarding Unliquidated Damages in Sentencing Hearings, 17 **Cap. U. L. Rev.** 55 (1987).

## OTHER SCHOLARSHIP

CASE STUDY: *Juliana v. United States*, U.S. Court of Appeals for the Ninth Circuit, 17 January 2020, Encyclopedia Entry, *The Encyclopedia of Sustainability*, Great Barrington, MA: Berkshire Publishing (forthcoming 2020)

Brief Comment, *The Supreme Court's Decision and Remand in Spokeo, Inc. v. Robins Postpones the Difficult Standing Issues in Statutory Standing and Identity Theft Cases*, (May 16, 2016), <https://casetext.com/posts/the-supreme-courts-decision-and-remand-in-spokeo-inc-v-robins-postpones-the-difficult-standing-issues-in-statutory-standing-and-identity-theft-cases> (mentioned on SCOTUSblog, <http://www.scotusblog.com/2016/05/tuesday-round-up-326/#more-242660> )

Amicus Brief, BRIEF OF AMICI CURIAE FEDERAL COURTS SCHOLARS AND SOUTHEASTERN LEGAL FOUNDATION IN SUPPORT OF RESPONDENTS, *United States v. Texas*, No. 15-674, U.S. Supreme Court (April 4, 2016) (arguing that Texas has standing as a state to challenge certain immigration policies, but not addressing the merits of the case) (citing my article *Should States Have Greater Standing Rights Than Ordinary Citizens?: Massachusetts v. EPA's New Standing Test for States*, 49 WILLIAM & MARY L. REV. 1701 (2008)), <http://www.scotusblog.com/wp-content/uploads/2016/04/15-674-bsac-Fed-Courts-Scholars.pdf>

Book Chapter, "Standing and Related Doctrines," 386-397 **DECISION MAKING IN ENVIRONMENTAL LAW** (Edward Elgar 2016; Lee Paddock, Robert Glicksman & Nicholas S. Bryner eds.), <http://www.e-elgar.com/shop/decision-making-in-environmental-law> , Vol. II. **Elgar Encyclopedia of Environmental Law**, available on **Elgaronline**

AMICUS BRIEF, BRIEF FOR PUBLIC LAW PROFESSORS AS AMICI CURIAE IN SUPPORT OF RESPONDENT, *Spokeo, Inc. v. Thomas Robins*, No. 13-1339, U.S. Supreme Court (Sept. 2015) (arguing Congress may confer Article III standing upon a plaintiff who suffers no concrete harm other than the violation of a private right conferred by a federal statute), <http://www.scotusblog.com/wp-content/uploads/2015/09/Professors-Brief.pdf>

The Long-Term Implications of *Gonzaga v. Doe*, 41 ABA HUMAN RIGHTS 2-3, 10 (July 2015) (based on prior scholarship in 39 Houston L. Rev. 1217 (2003) & 32 Fla. St. L. Rev. 843 (2005)), available at [http://www.americanbar.org/publications/human\\_rights\\_magazine\\_home/2015--vol--41-/vol--41--no--1--lurking-in-the-shadows--the-supreme-court-s-qui/the-long-term-implications-of-gonzaga-v--doe.html](http://www.americanbar.org/publications/human_rights_magazine_home/2015--vol--41-/vol--41--no--1--lurking-in-the-shadows--the-supreme-court-s-qui/the-long-term-implications-of-gonzaga-v--doe.html)

DAVID R. BOYD, THE RIGHT TO A HEALTHY ENVIRONMENT, REVITALIZING CANADA'S CONSTITUTION (UBC Press, W. Wesley Pue general ed., 2012), Book Review with Chiddy Ukonne, 36 HUMAN RIGHTS QUARTERLY 258-66 (February 2014) (Johns Hopkins University Press)

DAVID R. BOYD, THE ENVIRONMENTAL RIGHTS REVOLUTION: A GLOBAL STUDY OF CONSTITUTIONS, HUMAN RIGHTS, AND THE ENVIRONMENT (W. Wesley Pue general ed., 2012), Book Review with Suzanne Smith, 35 HUMAN RIGHTS QUARTERLY 1021-42 (November 2013) (Johns Hopkins University Press)

AMICUS BRIEF, Brief of Amici Curiae Ohio Law Professors in Support

of Defendants-Appellees JobsOhio, et al., in *ProgressOhio.Org, Inc. v. JobsOhio*, Ohio Supreme Court (Case No. 2012-1272)(Brief filed June 25, 2013)(Brief focused on Ohio standing law, relationship between Ohio and federal standing doctrine and criticizing public rights exception in Ohio standing law) <http://www.volokh.com/2013/07/14/amicus-brief-on-standing-in-progressohio-org-v-jobsOhio/> (blog post by Professor Jonathan Adler discussing amicus brief)

*Human Rights, Emergencies, and the Rule of Law*, Book Review (with James W. (Jay) Jackson, Jr.), *CLIMATE CHANGE AND DISPLACEMENT* (Jane McAdam ed., Hart Publishing, 2010), 34  
**Human Rights Quarterly** 267-85 (The Johns Hopkins University Press) (Feb. 2012)

*Massachusetts v. EPA*, Encyclopedia Entry, In Klaus Bosselmann, Daniel Fogel, and J. B. Ruhl (Eds.), *The Encyclopedia of Sustainability*, Vol. 3: The Law and Politics of Sustainability, pp. 379-381, Great Barrington, MA: Berkshire Publishing (2011)

Book Chapters on (1) *Title VI and Environment Justice* and (2) *Executive Order 12,898* in **Environmental Justice** (Michael B. Gerrard & Sheila Foster eds.) (Second Edition American Bar Association 2008).

Book Chapter on *Standing and Remedies*, Chapter 6, **Global Warming** (Michael B. Gerrard ed.) (American Bar Association March 2007)

The Rights of Indigenous Peoples to a Healthy Environment and Use of National Resources Under International Human Rights Law, in 235-248 **Effective Strategies for Protecting Human Rights: Economic sanctions, use of national courts and international fora and coercive power** (David Barnhizer ed.) (Ashgate 2001).

Amicus Brief, *South Camden Citizens in Action v. New Jersey Department of Environmental Protection*, 274 F.3d 771, 773 (3<sup>rd</sup> Circuit 2001) (principal author of amicus brief on whether EPA's Title VI regulations may be enforced through § 1983).

Environmental Justice Litigation Chapter in **Environmental Law Practice Guide** (Michael B. Gerrard ed.) (Matthew Bender 1998).

Book Chapters on *Public Participation* (Chapter 31) and *Other Remedial Issues* (Chapter 25), in **Brownfield's Law and Practice** (Michael B. Gerrard ed.) (Matthew Bender 1998).

## WORK IN PROGRESS

State Standing and National Injunctions (with Michael Solimine)

## PRESENTATIONS AND LECTURES

(I have made many scholarly presentations at our internal summer faculty workshop series at the University of Cincinnati College of Law; I have not listed these presentations)

Federalist Society Presentation on the Administrative State with William Yeatman of the Cato Institute and Bradford Mank commenting, UC College of Law (November 5, 2019)



Can Judges Use Due Process Concepts in Obergefell to Impose Judicial Regulation of Greenhouse Gases and Climate Change?: The Crucial Case of *Juliana v. United States*, Belmont Law Review Symposium (October 4, 2019) (Via Video Conference)

Commentator to Dr. Matt Mitchell of the Project for the Study of American Capitalism at George Mason University, Federalist Society, UC College of Law (September 27, 2018)

Panel Presentation, Shapiro Symposium on the Public Trust Doctrine, *Does the Evolving Concept of Due Process in Obergefell Justify Judicial Regulation of Greenhouse Gases and Climate Change?: Juliana v. United States*, George Washington Law School (March 15, 2018)

Panel Presentation, The Rule of Law in America, UC Law Federalist Society, January 24, 2017 (spoke on panel with Joseph Tomain and Becky Norton Dunlop of the Heritage Foundation)

Panel Presentation, "President Obama's Immigration Orders", Southeastern Association of Law Schools (SEALS), Aug. 7, 2016 (I discussed Article III standing and administrative law issues in *United States v. Texas*) (Other Panelists: Josh Blackman, John Eastman, and Sidney Shapiro)

Moderator for Federalist Society Event, Tim Carney on "Crony Capitalism, Lawyers, Lobbyists, and the Revolving Door: How Big Government Corrupts our Politics and our Economy," January 28, 2016

Moderator and Panelist on the EPA's Waters of the United States Rule, The 15<sup>th</sup> annual Great Lakes Water Conference on Nov. 6, 2015 at the University of Toledo College of Law

Immigration and Article I of the Constitution: Can Congress Stop Obama's Amnesty, and Could Congress End Birthright Citizenship?, UC Law Federalist Society, Oct. 28, 2015 (spoke on panel with Kenneth A. Klukowski and Chris Bryant)

Presentation, Administrative Law Overview, with Emphasis on Due Process and Rulemaking, Immigration Section, Cincinnati Bar Association, September 22, 2015

Debated Dr. Roger Pilon, Cato Institute, Property Rights and the Environment, September 23, 2014 (sponsored by UC College of Law Federalist Society)

Presentation, Administrative Law Overview, Immigration Section, Cincinnati Bar Association, April 10, 2014

Presentation, Environmental Law Overview on Climate Change Issues, American Society for Quality, Cincinnati Section, March 11, 2014

Presentation *Clapper v. Amnesty International: Two or Three Competing Philosophies of Standing Law?*, at Vermont Law School, October 11, 2013

Presentation, Overview of Energy Law and Environmental Law Issues Relating to Climate Change, UC College of Law Downtown CLE for Scholarships, March 1, 2013

Presentation, Environmental Law Overview on Climate Change Issues, UC College of Engineering, Feb. 15, 2013

Presentation, Environmental Law Overview, Department of Environmental Health, UC College of Medicine, Dec. 5, 2012 (Invited by Professor Jim Donovan, MD)

Presentation, Environmental Justice in the U.S. and the City of Cincinnati, Harvard Law School Association of Cincinnati Discussion Group, held at Blank Rome LLP (Cincinnati Office) October 26, 2012

Presentation, Standing for Private Parties in Global Warming Cases: *Comer vs. Murphy Oil II* Reopens the Debate, Third Annual Colloquium on Environmental Scholarship at Vermont Law School, October 12, 2012, <http://czarnezki.com/ces/>

Presentation, Plaintiffs' Standing in Federal Court, part of Environmental Law in the Supreme Court Discussion Series, Harvard Environmental Law Society, Harvard Law School, March 22, 2012

Presentation, Reading the Standing Tea Leaves in *American Electric Power v. Connecticut*, Second Annual Colloquium on Environmental Scholarship at Vermont Law School, Sept. 23, 2011, <http://czarnezki.com/ces/>

Presentation, Informational Standing After *Summers vs. Earth Island Institute*, First Annual Colloquium on Environmental Scholarship at Vermont Law School, Oct. 22, 2010

Panelist, Climate Change Lawsuits (Jason Johnston, University of Pennsylvania participated in the panel), Judicial Symposium on the Expansion of Liability Under Public Nuisance, Northwestern Law School Judicial Education Program, April 26-27, 2010

Debated Professor Jonathan Adler, Case Western Law School, Traditional versus Market-Based Environmental Regulation, Ohio Northern Law School April 7, 2010 (sponsored by Ohio Northern Law School Federalist Society and Environmental Law Society)

Panelist, Citizen Standing/Access to Courts (Honorable Edwin S. Kneedler, Deputy U.S. Solicitor General participated on the panel), Environmental Protection in the Balance: Citizens, Courts & the Constitution, sponsored by University of California Berkeley Law School's Center for Law, Energy and the Environment, the Environmental Law Institute, and Georgetown Law School (event host), Washington, D.C., February 26, 2010

Debated Dr. Roger Pilon, Cato Institute, Property Rights and the Environment, February 18, 2010 (sponsored by UC College of Law Federalist Society and Environmental Law Society)

Should States Have Greater Standing Rights Than Ordinary Citizens?: *Massachusetts v. EPA's* New Standing Test for States, faculty workshop, University of Louisville, Louis D. Brandeis School of Law, November 1, 2007, <http://www.law.louisville.edu/faculty/workshops>

Continuing Legal Education, Evolving Climate Change Regulations: Developing Trends in Law and Litigation, Teleconference, Sponsored by *The Digest of Environmental Law* and the Legal Publishing Group of Strafford Publications, Wednesday, September 12, 2007 (discussing NEPA, state lawsuits, private litigation and obstacles to litigation)

Continuing Legal Education, Evolving Climate Change Regulations: Developing Trends in Law and Litigation, Teleconference, Sponsored by *The Digest of Environmental Law* and the Legal Publishing

Group of Strafford Publications, Tuesday, November 14, 2006 (discussing NEPA, state lawsuits, private litigation and obstacles to litigation)

Environmental Justice and the Poor, Law Professors' Christian Fellowship Annual Conference, Catholic University, Columbus School of Law, Washington, D.C., January 4, 2003

Environmental Justice and Air Permits, Community Conference on Air Pollution, Environmental Community Organization, Corryville Public Library, Cincinnati, Ohio, November 9, 2002

Environmental Justice: The Impact of Sandoval and South Camden on Title VI and Section 1983, Tulane Environmental Conference, New Orleans, Louisiana, March 8, 2002

Environmental Justice: The South Camden Case, Faculty Presentation sponsored by University of Cincinnati Law Review and Moot Court, Cincinnati, Ohio, March 4, 2002

The Legal Aspects of Environmental Justice, City of Cincinnati, Environmental Advisory Council, Nov. 28, 2001

The Demise of CERCLA's Federal Common Law and Corporate Successor Liability, Cincinnati Bar Association, Environmental Law Seminar, November 8, 2000.

The Demise of CERCLA's Federal Common Law and Corporate Successor Liability, Corporate Law Symposium, University of Cincinnati, March 9, 2000.

Title VI Litigation, Environmental Justice Symposium, College of Law, University of Cincinnati, April 23, 1999.

The Case for Affirmative Action, Affirmative Action Debate, Northern Kentucky University, March 29, 1999.

Endangered Species Symposium, College of Law, University of Cincinnati, April 17, 1998.

Bridging the Gap Between Environmental Lawyers and Engineers or Scientists, U.S. Environmental Protection Agency-University of Cincinnati College of Engineering Seminar Series, May 23, 1996.

Implications of the Federal Budget Crisis on Environmental Protection, U.S. Environmental Protection Agency-University of Cincinnati College of Engineering Seminar Series, February 22, 1996.

Environmental Compliance: A Short Course, University of Cincinnati College of Engineering, May 31 to June 2, 1995.

Environmental Implications of the North American Free Trade Agreement, University of Cincinnati College of Law, Environmental Law and International Law Societies, March 11, 1994.

Presenter, Preventing Bhopal: "Dead Zones" and Toxic Death Risk Index Taxes, 35th Annual Meeting, Association of Collegiate Schools of Planning (ACSP), Philadelphia, October 29, 1993.

Overview of Environmental Law, University of Cincinnati Department of Environmental Health, Graduate Seminar, February 3, 1993.

Using Alternative Dispute Resolution Techniques to Site Landfills, Workshop for Southwestern Ohio Solid Waste Management Districts, Miami University, Oxford, Ohio, Institute for Environmental Studies, November 6, 1991.

Composting Seminar, University of Cincinnati Department of Environmental Health, March 8, 1991.

## MEDIA

Daniel R. Stoller, California Courts Set Privacy Litigation Standards for Big Tech, Oct. 15, 2019, Bloomberg Law, (“The Ninth Circuit and the Northern District of California will continue to favor consumers in privacy and data breach cases amid the ‘corollary and conflicting decisions’ at the circuit courts, Bradford Mank, professor at the University of Cincinnati College of Law focusing on standing issues, said. That will keep happening absent a major Supreme Court decision that limits a plaintiff’s ability to sue in federal court over privacy concerns, he said.”), available at <https://news.bloomberglaw.com/privacy-and-data-security/california-courts-set-privacy-litigation-standards-for-big-tech>

Dana A. Elfin, *High Court Won’t Hear Dispute Challenging FDA Over J&J Drug*, BNA Product Liability, May 16, 2017 <https://www.bna.com/high-court-wont-n73014451024/> (quoted about third-party standing regarding Third Circuit’s decision in *Sheller P.C. v. HHS*, U.S., No. 16-1097, cert. denied 5/15/17)

Josh Gerstein, *The controversial legal theory that could get Trump sued*, Politico, Nov. 29, 2016, (quoted in Politico Article about competitor standing to sue Donald Trump), <http://www.politico.com/story/2016/11/trump-immigration-legal-theory-231899>

Rebecca Wilhelm, *Standing Case Could Affect Environmental Plaintiffs*, Bloomberg BNA Daily Environment Report (Nov. 2, 2015 (story is dated Oct. 30, 2015)) (quoting my views on possible impact of Supreme Court decision in *Spokeo v. Robins* on environmental and Freedom of Information Act cases) (story behind BNA paywall)

Jill Cowan, *EPA weighs in on Harpeth River legal battle*, The Tennessean, Feb 23, 2015, available at <http://www.tennessean.com/story/news/local/williamson/franklin/2015/02/23/epa-weighs-harpeth-river-legal-battle/23904555/>

Paul Webster, *Is it time to hand global warming to the lawyers?*, Toronto Star, April 29/May 3 2007 (“‘The lawsuits are putting pressure on companies,’ says Bradford Mank, a University of Cincinnati specialist on climate change and law. ‘It’s becoming much easier to force companies to discuss the issues around climate change.’”), at 2007 WLNR 8085117 (also available on LEXIS).

Fox Hannity & Co., Interview by Jeff Goldblatt, Ohio Residents Fight Eminent Domain Abuse, FOX NEWS, March 15, 2006, at 21:00, at 2006 WLNR 4347812 (also available on LEXIS) (discussing eminent domain case before Ohio Supreme Court, *Norwood v. Horney*).

Catherine Trevison, *Suit over emission threat hovers in legal gray zone*, Oregonian, October 5, 2005 (discussing standing in cases involving global warming) (available LEXIS & Westlaw)

Andrew Welsh-Huggins, State Supreme Court to hear eminent domain case, 10/3/05 AP Alert - Political 21:38:57 (discussing whether Ohio Supreme Court will follow *Kelo* in *Norwood* eminent domain case)

(available Westlaw)

Kimbell Perry, Property seizure legal, Cincinnati Post, June 24, 2005 (commenting on *Kelo* public use/eminent domain) at [1. http://news.cincypost.com/apps/pbcs.dll/article?AID=2005506240348](http://news.cincypost.com/apps/pbcs.dll/article?AID=2005506240348)

(available Westlaw)

April Yee, City resumes fight on sources of bad odors, Cincinnati Post, June 12, 2004, <http://www.cincypost.com/2004/06/12/odor061204.html> (stating “Brad Mank, professor at the UC College of Law, worked with law students...to research and write a draft of a new ordinance [on air pollution for the City of Cincinnati]”) (available Westlaw)

Research By UC Law Students May Help Clean Up Dirty Air Problem, April 30, 2004 (stating “With faculty leadership by UC law professor Bradford Mank,” three students in UC Law’s Center for Law and Justice convinced Cincinnati City Council to enact Cincinnati Clean Air Act to address air nuisances and pollution in City) <http://www.uc.edu/news/NR.asp?id=1612>

Featured Guest, Newsmakers-Dan Hurley, WKRC-Channel 12 Television, April 18, 2004 (commenting on role of eminent domain in economic redevelopment by private developers, discussing case involving Rookwood Exchange, Norwood Ohio)

Featured Commentary, 'Takings' can be an appropriate way to stop decline, Cincinnati Enquirer, April 18, 2004 (commenting on role of eminent domain in private economic redevelopment) (available Westlaw)

Bruce Ritchie, Environmental Threats Persist at St. Marks, Fla., Refinery, Tallahassee Democrat, August 12, 2001 (commenting on role of environmental consultants) (available Westlaw)

John McQuaid, Industries Lose Civil Rights Case. Minorities Get Tool to Fight Pollution, New Orleans Times-Picayune, May 27, 2001 at O5 (describing Mank as “Title VI expert”) (available Westlaw)

John McQuaid, Can Spewing Smog Violate Someone’s Constitutional Rights to Equal Protection Under the Law, New Orleans Times-Picayune, May 22, 2000 at A12 (quoting Bradford Mank on EPA’s Title VI disparate impact standards) (available Westlaw)

Interview, WLW-AM 700, Michael McConnell, Los Alamos Fires, May 16, 2000.

Primary Guest, Two Programs on Environmental Justice, Make Peace with Nature, Syndicated PBS Television Program, June 1st and June 8th, 1997.

## **EDITOR/REFEREE/ADVISOR**

Peer Reviewer, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 (select best environmental law articles published in previous year for LAND USE AND ENVIRONMENTAL LAW REVIEW (Professor Dan Tarlock, Chicago-Kent selects reviewers 2005-14, J.B. Ruh, Vanderbilt 2015-))

External Reviewer, Editorial Board, *The Indonesian Journal of International & Comparative Law: Socio-Political Perspectives*, <http://www.ijil.org/editorial-board/board-of-reviewers>, 2013-present (I have reviewed a wide range of constitutional and other topics)

Consultation on manuscript for Stanford Law Review, March 2017 (Karen Ding, Senior Articles Editor)

Consultation on manuscript for Harvard Law Review, August 2015 (Cole Carter, Articles Chair)

Consultation on manuscript for Yale Law Journal, August 2015 (Clark Hildabrand, Articles Editor)

Reviewer, NYU Press, reviewed book proposal on environmental justice topic (March 2009)

Faculty Advisor, **Immigration and Nationality Law Review** (2008-2017)

Peer Reviewer, National Science Foundation (reviewed social science/environmental projects for NAS funding in 2003 & 2004; reviews & proposals are confidential)

Editorial Board, **Projections 3: MIT Journal of Planning: Planning for Environmental Justice** (2002) (reviewed/edited papers for environmental justice issue)

## UNIVERSITY SERVICE

College of Law Representative, University of Cincinnati Academic Committee August 2017-present (addresses approval of new academic programs)

College of Law Representative, University of Cincinnati Associate Dean Meetings June 2016-present (monthly meetings led by Provost's Office on various academic and administrative topics)

Affiliated Faculty Member, Women Studies (2001-present) (Law School has joint M.A.-J.D. program Chair, M.A. Thesis Committee, Anne Lucas, Environmental Justice: The Impact of Dioxin on Inuit Women in Nunavut, Canada (Spring 2002)

College of Law coordinator for Electronic Accessibility for faculty (Aug. 2018-present). I work with Heidi Pettyjohn and her staff to educate our faculty on electronic accessibility issues. Assistant Dean Staci Rucker handles our staff. This duty involves a few meetings a year, and requires annual reporting.

College of Law Representative, Online Working Group (April 2019-present). This group started in April 2019, and is chaired by Dawn Clineman, Director of Instructional Design for Cincinnati Online and Bryan Smith, CET&L. I help educate our faculty about best practices in online teaching, and in developing a training program for our faculty and students so they better understand online education issues. Dawn is leading a training course during summer 2020 for our faculty teaching fall 2020 1L courses and fall 2020 upper level courses that are tested heavily on the bar examination.

College of Law coordinator for the transition to our new Learning Management System, Canvas, (April 2019-present).. I attend monthly meetings of all UC Canvas Ambassadors. I help educate faculty about using Canvas. I work with Dawn Clineman, Director of Instructional Design for Cincinnati Online; Bryan Smith, CET&L; and Paul Foster, UCIT.

**CORE MEMBER**, UC Health and Environmental Risk Institute (1996-2014; the group gradually lost energy and disbanded).

**FACULTY SENATOR**, University Faculty Senate (1993-1997).

**RESEARCH DIRECTOR**, Hazardous Substances Issues, Center for Dispute Resolution, University of Cincinnati, College of Law (1991-1993) (Directed three interdisciplinary research projects involving mediation and the siting of hazardous waste facilities. These projects produced articles in **B.C. Env'tl. Aff. L. Rev.** and **Ohio St. L.J.** Worked with faculty from Miami University and from the University of Cincinnati School of Planning and Department of Environmental Health).

## LAW SCHOOL SERVICE

Committee Work, College of Law:

Academic Policy and Curriculum Committee (Chair, 1999-2004, 2006-2007, 2010-2011, 2014-20; Co-Chair, 2009-2010); (Member 1992-1993, 1999-2004, Fall 2005, 2006-2007, 2008-2011, 2012-2013, Spring 2014-2020)

Adjunct Professor Review Committee, Chair, June 2016-present

Co-Chair, Team to Prepare for ABA Spring 2018 Site Visit, 2016-December 2019 (help prepare College report and questionnaire to ABA and follow up responses)

Building Committee, Fall 2018-present (new law building to be completed 2021/2022) (focused on classroom issues)

Faculty Advisory Committee (formerly called the Committee on Committees) (elected by faculty) (1994-1998, 2001-2006, 2010-2011, 2011-2012, 2012-2013, 2015-16, 2016-2017)

Chair, Clinics Committee, 2016-2017, member 2017-present

Faculty Appointments Committee (Chair, 2004-2005); (Member, 1995-1996, 1997-1998, 2011-2012)

Student Petitions Committee (Chair, 2011-12 (addressed six grade appeals))

Reappointment, Promotion and Tenure Committee (elected by faculty) (Chair, 1998-99, 2002-2004, 2008-2009, 2010-2011); (Member: 1997-1999, 2000-2007, 2008-2009, 2010-2011)

Merit Pay Faculty Appeals Committee (elected by faculty) (Spring 2011, Spring 2012)

Honors Council (1993-1994, 1995-1996, 2000-2002, Spring 2011; Chair 2002)

Non-Tenure-Track Committee (Hired Legal Writing Professor; Review Clinical & Writing Professors for Promotion), 2009-10

Career Placement Committee (Chair, 1997-1998, 2002), Member 2003-2004, 2009-2010

Chair, Faculty Assessment Committee (a.k.a. Decanal Review Committee) (elected by faculty) (Spring 2009) (review performance and write report regarding Dean Louis Bilionis)

Dean Search Committee (appointed by Provost) (2004-2005) (hired Dean Louis Bilionis)

Decanal Review Committee (elected by faculty) (2003-2004) (reviewed and wrote report regarding Dean Joseph P. Tomain)

Center for Corporate Law Committee (1996-1997)

Admissions Committee (1993-1997)

Merit Pay Advisory Committee (elected by faculty) (1997)

Ad Hoc Technology Committee (1994)

Library Committee (1991-1993; 1994-1995)



## **COMMUNITY SERVICE**

Cincinnati Environmental Advisory Council, (appointed by City Manager, advises City Council, City Manager and City Departments regarding environmental issues)  
Chair, 2006-2017 (elected by EAC membership), Co-Chair (elected by EAC membership) 2005-2006,  
Vice Chair 2003-2005, 2017-2020 (elected by EAC membership), Member, 2002-present

Board of Trustees, Mill Creek Alliance (formerly Groundwork Cincinnati-Mill Creek and Mill Creek Restoration Project), June 2009-present

Board of Trustees, Lincoln Heights Comprehensive Development Corporation, July 2017-present;  
Secretary of Board, March 2018-present

Rain Water Harvesting Task Force, The Green Partnership for Greater Cincinnati (Coalition including City of Cincinnati, University of Cincinnati and Duke Energy), 2011-2012

Consultant, City of Cincinnati Solicitor's Office, assisted in drafting environmental justice ordinance for the City, Winter/Spring 2009; enacted 6-24-2009, <http://www.citybeat.com/cincinnati/blog-809-ej-law-passes-over-chambers-objection.html>;  
<http://www.vorysenergy.com/2009/07/articles/environment/cincinnati-passes-environmental-justice-ordinance>

Member, Green Cincinnati Steering Committee (appointed by Mayor Mallory) 2008 and 2013 (each 5 years draft the City's plan for reducing greenhouse emissions from the City, local businesses and residents, 2008 Green Cincinnati Plan and revised 2013 Green Cincinnati Action Plan, <http://www.cincinnati-oh.gov/oeq/linkservid/038556BD-A846-B370-1432D0B340498CB2/showMeta/0/> ; Member, City of Cincinnati Climate Change Steering Committee, 2007-2008

Member, Working Group on Establishing Office of Environmental Quality (OEQ) for City of Cincinnati, Spring 2006, Mayor Mallory and City Council member David Crowley named me to the OEQ working group,(we drafted a mission statement for OEQ; in December 2006, OEQ was enacted in the City's budget)

Member, Environmental Justice Working Group, Fall 2005-Winter 2006, Cincinnati City Council member David Crowley named me to a seven-member group to help draft an environmental justice ordinance for the City

Member, Environmental Decision-Making and Public Participation Working Group, Hamilton County Environmental Priorities Project (1996-1997)

## **PROFESSIONAL ACTIVITIES**

### **BAR ADMISSIONS**

United States Court of Appeals for Third Circuit  
State of Connecticut  
United States District Court, District of Connecticut

Participant, ECONOMIC INSTITUTE FOR LAW PROFESSORS, sponsored by George Mason University Law and Economics Center, Summer 1992.