

Brigham Daniels

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ACADEMIC APPOINTMENTS

University of Utah (S.J. Quinney) College of Law
Professor of Law 2023-Present
Director, Great Salt Lake Project 2023-Present
Visiting Professor of Law 2022-2023

Brigham Young University Law School
Marion B. and Rulon A. Earl Professorship 2021-present
Francis R. Kirkham Professorship 2019-2020
Professor of Law 2014-2019
Associate Professor of Law 2010-2014

University of Houston Law Center
Assistant Professor 2008-2010
Co-Director, Environment, Energy and Natural Resources Center 2008-2010

TEACHING AWARDS

2018 BYU Law Student Bar Association Award for Service
2017 R. Wayne Hansen Teaching and Learning Faculty Fellowship (BYU University Award)
2016 BYU Law Student Bar Association First Year Professor of the Year Award
2015 BYU Law Student Bar Association First Year Professor of the Year Award
2014 BYU Law Alumni Association Teacher of the Year Award
2013 BYU Law Student Bar Association First Year Professor of the Year Award

OTHER RELEVANT EXPERIENCE

University of Santa Barbara, Bren School of Environmental Science and Management 2010;
2012-2016; 2018-2020
Visiting Lecturer

Duke University School of Law 2007-2008
Lecturing Fellow

Nicholas Institute for Environmental Solutions 2005-2008
Project Director for Institute's State Climate Policy Project

United States Federal District Court 2004-2005
Judicial Clerk for the Honorable Ted Stewart, District of Utah

Parsons Behle & Latimer 2003-2004
Associate Attorney

Utah Department of Natural Resources 1998-1999
Economic and Policy Analyst

EDUCATION

Duke University School of the Environment, PhD 2010
Honors: National Science Foundation Graduate Research Fellowship
Fields: Environmental Policy and Political Economy
Dissertation: Credible Commitments, Credible Threats, and Environmental Policy

Stanford Law School, J.D. 2003
Honors: Stanford Public Interest Law Fellowship and *Stanford Law Review*

University of Utah, M.P.A. 2000
Honors: University of Utah Graduate Fellowship
Emphasis: Environmental Management

University of Utah, B.S. in Economics 1998
Honors: Harry S. Truman Scholarship, Honors Program, Service Learning Scholar, and *magna cum laude*

PUBLICATIONS

Works in Progress

A SHORT HISTORY OF U.S. ENVIRONMENTAL LAW (forthcoming NYU Press) with Alex Camacho
NIXON'S EARTH with Jim Salzman

Recognizing Local Leaders as an Anti-Corruption Strategy: Experimental and Ethnographic Evidence from Uganda with Mark Buntaine, Paul Bukuluki, Tanner Bangerter, and Alex Bagabo

Books

BACKMAN & THOMAS, A PRACTICAL GUIDE TO DISPUTES BETWEEN ADJOINING LANDOWNERS (Release No. 33) (2022) (with David Thomas and Jim Backman since Release No. 26)

UTAH REAL PROPERTY LAW (2021) (with David Thomas, Jim Backman, and Jorge Contreras)

Articles and Book Chapters

Why Stop Grazing the Climate Commons?, 13 MICH. J. ENVTL. & ADMIN. L.C. L. REV. ____ (2023)

- The Limits of Awards for Anti-corruption: Experimental and Ethnographic Evidence from Uganda*, __ J. POL'Y ANALYSIS & MGMT __ (2023) with Mark T. Buntaine, Alex Bagabo, Tanner Bangerter, and Paul Bukuluki
- Disaster Vulnerability*, 65 B.C. L. REV. 957 (2022) with Lisa Grow Sun, Doug Spencer, Natalie Blade, Chantel Sloan, and Teresa Gomez
- Survival Voting and Minority Political Rights*, 71 AM. U. L. REV. 2319 (2022) with Doug Spencer, Lisa Grow Sun, Natalie Blade, Chantel Sloan, and Teresa Gomez
- Reconsidering NEPA*, 96 INDIANA L.J. 865 (2021) with Andrew Follett and James Salzman (selected by peer-review panels of environmental law professors as one of the fifteen most important environmental law articles published within the 2021-22 academic year)
- 'The Tragedy of the Commons' in Context*, in THE CAMBRIDGE HANDBOOK OF COMMONS RESEARCH INNOVATIONS (2021) with Andrew Follett and Taylor Peterson
- Testing Transparency*, 114 NORTHWESTERN U. L. REV. 1263 (2020) with Mark Buntaine and Tanner Bangerter (peer-reviewed, empirical issue)
- The Making of the Clean Air Act*, 71 HASTINGS L. J. 901 (2020) with Andrew Follett and Josh Davis
- Building Credibility: Lessons from the Leadership of William Ruckelshaus*, 50 ENVTL. L. REP. 10,238 (2020) with Andrew Follett
- Combining Bottom-Up Monitoring and Top-Down Accountability: A Field Experiment on Managing Corruption in Uganda* 7(4) RESEARCH & POL. (2020) with Mark Buntaine
- Just Environmentalism*, 37 YALE L. & POLY REV. 1 (2019) with Lisa Grow Sun and Michalyn Steele
- Commons Storytelling* in HANDBOOK OF THE COMMONS (Routledge Press, 2019)
- Can Information Outreach Increase Participation in Community-Driven Development? A Field Experiment near Bwindi National Park, Uganda*, 106 WORLD DEV. 407 (2018) with Mark Buntaine
- Come Hell and High Water: Climate Change Policy in the Age of Trump*, 13 FIU L. REV. 65 (2018) (invited symposium)
- Externality Entrepreneurism*, 50 UC DAVIS L. REV. 321 (2016) with Lisa Grow Sun
- Our Constitutional Commons*, 49 GEO. L. REV. 995 (2015) with Blake Hudson
- Mirrored Externalities*, 90 NOTRE DAME L. REV. 135 (2014) with Lisa Grow Sun
- The Tragicomedy of the Commons*, 2014 BYU L. REV. 1347 (2014) (symposium)
- Our Global Commons*, 2014 BYU L. REV. 1347 (2014) (symposium), with James Salzman
- Agency as Principal*, 48 GEO. L. REV. 335 (2014)
- Legispedia* in GOVERNING THE KNOWLEDGE COMMONS (Oxford University Press, 2014)
- Environmental Regulatory Nukes*, 2013 UTAH L. REV. 1505 (2013)

When Agencies Go Nuclear: A Game Theoretical Approach to the Biggest Sticks in an Agency's Arsenal, 80 GEO. WASH. L. REV. 442 (2012)

Addressing Climate Change in an Age of Political Climate Change, 2011 BYU L. REV. 1899 (2011)

Governing the Presidential Nomination Commons, 84 TUL. L. REV. 899 (2010)

Regulating Climate: What Role for the Clean Air Act?, 39 ENVTL. L. REP. 10,837 (2009) with Hannah Polikoff, Timothy Profeta, and James Salzman (republished in OLD LAW, NEW TRICKS: USING THE CLEAN AIR ACT TO CURB CLIMATE CHANGE (2013))

Is an Exemption from U.S. Groundwater Regulations a Loophole or a Noose, 41 POL'Y SCI. 205 (2008) with Erika Weinthal and Blake Hudson

Revitalizing Zion: Nineteenth-Century Mormonism and Today's Urban Sprawl, 28 J. LAND RESOURCES & ENVTL. L. 527 (2008)

Emerging Commons and Tragic Institutions, 37 ENVTL. L. 517 (2007)

California, Climate Change and the Constitution, 37 ENVTL. L. REP. 10,653 (2007), co-authored with Erwin Chemerinsky, Brettny Hardy, Tim Profeta, Chris Schroeder, and Neil Siegel reprinted in 25 ENVTL. FORUM, July/Aug. 2008, at 50

Trade Journals, Op-eds, Reports, Other Writings

Op-Ed: New NEPA regulations are a big win for Utahns, the nation and the environment, S.L. TRIB. (Aug. 7, 2023) with Jamie Pleune

Op-Ed: The Great Salt Lake needs water, and we need hope, S.L. TRIB. (March 15, 2023)

Op-Ed: Utah was on firm legal ground rejecting Utah Lake project, S.L. TRIB. (Nov. 3, 2022) with Andrew P. Follett

Op-Ed: Climate change finally meets political change, S.L. TRIB. (Aug. 8, 2022)

Op-Ed: Cool the planet and inflation: Urge Congress to support IRA, AUSTIN AM.-STATESMAN (Aug. 6, 2022) with David Spence

EPA at 50: Looking forward at the Biden administration and beyond, 52(4) TRENDS (Mar./Apr. 2021) with Andrew Follett

EPA at 50: Looking back at the formative years, 52(3) TRENDS (Jan./Feb. 2021) with Andrew Follett

Trust, Public Health, and Corruption, ANTI-CORRUPTION EVIDENCE BLOG, at <https://ace.globalintegrity.org/trust-public-health-corruption/> (Dec. 2020)

Op-Ed: Utah can't ignore climate change, DES. NEWS (Apr. 18, 2019)

Op-Ed: Lee is right about one thing: Love is the answer to climate change, S.L. TRIB. (Apr. 3, 2019)

Op-Ed: In replacing Pruitt, Trump should learn from Reagan, HILL.COM (July 11, 2018)

Op-Ed: Clearing the air: Environmental benefits limited from 'Clunkers' deal, HOUST. CHRON. (Sept. 6, 2009)

Op-Ed: Use aid to make Big Three build cars for 21st century; give bailout in exchange for more efficient vehicles, HOUST. CHRON. (Dec. 5, 2008)

An Evaluation of Utah's Greenhouse Gas Reduction Options, Nicholas Institute Report (2009) with Etan Gumerman

Design Principles of a Cap-and-Trade System for Greenhouse Gases, Nicholas Institute Whitepaper (2005), with Tim Profeta

Greenhouse Gas Reduction Strategies in Utah: An Economic and Policy Analysis (1999), with Thomas Brill, Jamie Dalton, James Galanis, Susan Jancart and Glade Sowards

RESEARCH GRANTS

United Kingdom Department for International Development Award, Co-PI, DfID-Global Integrity Anti-Corruption Evidence Programme (Nov. 2018): \$460,400

National Science Foundation LSS Award #1655513, Co-PI, "An Experimental Test of the Impacts of Transparency by Government" (Mar. 2017) – Collaborative Research #1655459: \$125,300

PRESENTATIONS, LECTURES, TESTIMONY, AND OTHER WRITINGS

Featured in Ben Winslow, *Bills getting conserved water to Great Salt Lake, bans on outdoor watering introduced*, FOX NEWS 13 (Nov. 13, 2023)

Featured in Carter Williams, *'Our state is up to the task': New initiative seeks to solve Great Salt Lake's woes*, KSL.COM (Oct. 4, 2023)

Featured in Lucy Nelson, *Expert says Utah wetlands are in danger following recent Supreme Court decision*, FOX NEWS 13 (June 24, 2023)

Presentation, "Why Stop Grazing the Climate Commons?" Vermont Environmental Colloquium (Sept. 2022)

Featured in Brian Maffly, *Goal of Utah's monument lawsuit: Take down the Antiquities Act*, S.L. TRIB. (Sept 2022)

Presentation, "The Climate Commons?" Foundation for Natural Resources and Energy Law, Annual Institute's Natural Resources Law Teachers Workshop, held in Vail, Colorado (July 2022)

Presentation, "Fighting Climate Change on the Urban Frontier," Law & Society, held in Lisbon, Portugal (July 2022)

Presentation, "Climate, Competition, and the Commons," ComplianceNet, Hosted by University of Amsterdam, School of Law (July 2022)

Presentation on Bridal Veil Falls on behalf of Conserve Utah Valley before the Utah House Natural Resources, Agriculture, and Environment Committee (Jan. 2022)

Presentation, “Early U.S. History and the Environment,” Starved Planet Environmental Law Scholars (SPELS) Workshop, Hosted by Loyola University Chicago (Oct. 2021)

Presentation, “Initial Results of Rewarding Excellence in Revenue Sharing in Bwindi National Park,” GI-ACE Funding Round Results Conference (Sept. 2021) with Mark Buntaine

Presentation, “Revitalizing Local Environmental Law,” Vermont Environmental Colloquium (Sept. 2021)

Presentation, “Legal Dimensions of Utah Lake Management,” Utah Lake Symposium (Aug. 2021) with Craig Galli and Andrew Follett

Presentation, “Engaging Anxiously,” BYU Education Week (Aug. 2021)

Presentation to interns and fellows at the Utah Center for Legal Inclusion (July 2021)

Presentation, BYU Sustainability Leaders Summer Conference (June 2021)

Featured in Shannon Ellsworth, *Citizens lead out on conservation*, DAILY HERALD (May 21, 2021)

Presentation, “Motivating action on climate change,” Citizen Climate Lobby (Apr. 2021)

Presentation, “Disaster Vulnerability,” Ostrom Workshop Colloquium (Mar. 2021)

Presentation, “Anxiously Engaging in Service,” BYU World of Law (Mar. 2021)

Featured in Leia Larsen, *Lawmaker seeks to make Provo Canyon’s Bridal Veil Falls a state monument*, S.L. TRIB. (Jan. 2021)

Featured in Leia Larsen, *Utah County Commission votes to preserve Bridal Veil Falls under a conservation easement*, S.L. TRIB. (Dec. 2020)

Radio Interview, “Biden on Climate,” Top of Mind with Julie Rose (Nov. 2020)

Presentation, “Transparency and Recognition in Bwindi National Park,” Governance Workshop on Transparency and Privacy at Denver University (Oct. 2020)

Panelist, “What do you wish you had known as a pre-tenure scholar/professor?” Chicagoland Junior Scholars Conference (Oct. 2020)

Presentation, “The call of legal service,” J. Reuben Clark Law Society (Oct. 2020)

Highlighted in Farhad Manjoo, *Human Weakness Is Responsible for This Poisonous Air*, N.Y. TIMES (Sept. 16, 2020)

Presentation, “Science and the NEPA Process,” BYU Life Science Capstone Lecture (Sept. 2020)

Radio Interview, “Rollback or update? A look at changes to a key environmental law,” Top of Mind with Julie Rose (July 2020)

Presentation, “Can positive public recognition lead to good governance?” GI-ACE Workshop (Jan. 2020) with Mark Buntaine and Paul Bukuluki

Presentation “Law, Social Change, and *True Justice: Bryan Stevenson’s Fight for Equality*,” Peery Film Festival (Nov. 2019)

Featured in Milad Emamian, et al., “Can Regulation Promote Environmental Justice?” THE REGULATORY REVIEW at <https://www.theregreview.org/2019/11/09/saturday-seminar-does-regulation-promote-prevent-environmental-justice/> (Nov. 2019)

Panelist and moderator, Salt Lake County Mayors’ Townhall, hosted by Citizens’ Climate Lobby (Oct. 2019)

Presentation, “Nixon and the Environment,” UCLA Environmental Colloquium (Jan. 2019)

Presentation, Online Environmental Law Professor Workshop (Jan. 2019)

Presentation, “A Field Experiment in Transparency,” New Directions in Academic-Practitioner Research Collaborations, the University of Barcelona (Dec. 2018)

Moderator, “Debate on Bears Ears,” BYU Environment (Nov. 2018)

Presentation, “Testing Transparency,” Vermont Environmental Colloquium (Oct. 2018)

Presentation, “Nixon and the Environment,” City University of New York School of Law (Oct. 2018)

Panelist discussing the film *RBG*, Peery Film Festival (Oct. 2018)

Presentation and Conference Host, “Testing Transparency,” International Association for Scholarship on the Commons, Georgetown Law School (Sept. 2018)

Presentation, “Law, Service, and Social Change,” World of Law Series, BYU Law (Jan. 2018)

Presentation, “Law and Service,” Law and Social Change Series, BYU Law (Jan. 2018)

Panel Presentation, “Empirical Research and Environmental Law,” American Association of Law Schools, Environmental Law Section (Jan. 2018)

Presentation, “Trump and Climate Change,” FIU Law Review Symposium on Environmental Law in the Age of Trump (Oct. 2017)

Presentation, “Reconsidering Nixon,” Vermont Environmental Colloquium (Sept. 2017)

Highlighted in *Alpine Homes, Inc. v. City of W. Jordan*, 2017 UT 45, 424 P.3d 95 (2017)

Presentation, “Nixon and the Environment,” Climate Change Law & Policy Workshop Co-sponsored by University of Colorado Law School and Duke University School of Law, Boulder, Colorado (Aug. 2017)

Presentation, “Just Environmentalism,” Biannual Conference of the International Association for Scholarship on the Commons, Utrecht, Netherlands (Jul. 2017)

Presentation, “Nixon’s Environmentalists,” Rocky Mountain Mineral Law Foundation Bi-Annual Natural Resources Teaching Conference (Jun. 2017)

Presentation, “Testing the Transparency Hypothesis,” University of Utah Works-in-Progress Series (Apr. 2017)

Presentation, “Can Information Outreach Increase Participation in Community-Driven Development? A Field Experiment near Bwindi National Park, Uganda” Workshop on The Role of Information in Improving Rural Services and Governance (Apr. 2017)

Featured in Tom Harvey, *Signs of the time: March for Science crowd calls for federal funding, denounces climate deniers*, S.L. TRIB. (Apr. 23, 2017)

Featured in Lauren Handley, *Thousands of Utahns join worldwide March For Science*, KTVX NEWS (Apr. 22, 2017)

Speech, “People of faith should embrace science,” Salt Lake City March for Science (Apr. 2017)

Featured in Thomas Burr, *Utah law professors, constituents urge Chaffetz to investigate Trump — and poll shows voters agree*, S.L. TRIB. (Mar. 24, 2017)

Radio Interview, “Western Lands Debate,” Top of Mind with Julie Rose (Nov. 2016)

Presentation, “Externality Entrepreneurs,” Chicago-Kent Faculty Work-in-Progress Series (Nov. 2015)

Radio Interview, “Earth Day,” Top of Mind with Julie Rose (Apr. 2015)

Featured in Chris Walker, “Daniels on Principal-Agent Theory in Administrative Law,” NOTICE & COMMENT BLOG, at <https://www.yalejreg.com/nc/daniels-on-principal-agent-theory-in-administrative-law-adlaw-bridge-series-by-chris-walker/> (Jan. 2015)

Presentation, “The Tragic Comedy of the Commons,” BYU Law Review Symposium on the Global Commons (Jan. 2014)

Presentation, “The Politics of Climate Change,” Northeast Florida Environmental Summit, Florida Coastal School of Law (Feb. 2013)

Presentation, “Agency as Principal,” Denver Environment and Natural Resources Law Workshop, Denver University (Feb. 2013)

Presentation, “Nixon and the Environment,” Joint Meeting of the Environmental and Natural Resource Sections, American Association of Law Schools (Jan. 2013)

Presentation with Blake Hudson, “Our Constitutional Commons,” Building Institutions for Sustainable Scientific, Cultural and genetic Resources Commons, Université Catholique de Louvain, Louvain-la-Neuve, Belgium (September 2012)

Presentation, “Agency as Principal,” Young Environmental Scholars Workshop, University of Washington (July 2012)

Presentation, “Agency as Principal,” Junior Environmental Law Professor Work-in-Progress Gathering, American University Washington College of Law (June 2012)

Blog Editor, Law Professor Blogs Network, Environmental Law Blog (Jan. 2011-Jan. 2012) at http://lawprofessors.typepad.com/environmental_law/

Presentation, “Agency as Principal,” Stanford Law School Natural Resource Workshop (October 2011)

Presentation, “Legispedia,” New York University Law School (September 2011)

Presentation, “Delegating Regulatory Nukes,” University of Oklahoma School of Law (May 2011)

Presentation, “When Agencies Go Nuclear,” New Voices on the Cutting Edge, Joint Meeting of the Environmental and Natural Resource Sections, American Association of Law Schools (Jan. 2011)

Presentation, “Endangered Species Act Overview and Update,” EcoLunch, Brigham Young University Biology Department (Oct. 2010)

Presentation, “Solving the Next Tragedy of the Commons,” Change in the Commons, North American meeting of the International Association for Scholarship on the Commons (Oct. 2010)

Presentation, “When Agencies Go Nuclear,” Climate Change Law & Policy – What Next Workshop Co-sponsored by University of Colorado Law School and Duke University School of Law, Boulder, Colorado (Aug. 2010)

Presentation, “Houston’s Air Quality,” Center for Houston’s Future’s Counting on Quality of Place Regional Symposium, Houston, Texas (Jan. 2010)

Presentation, “Governing the Presidential Nominations Commons,” Southeastern Association of Law Schools 62nd Annual Meeting, Palm Beach, Florida (Aug. 2009)

Panelist, “Teaching the Real-estate Contract in the First-Year Property Course,” Southeastern Association of Law Schools 62nd Annual Meeting, Palm Beach, Florida (Aug. 2009)

“Regulating Climate: What Role for the Clean Air Act? A Primer,” Background paper for Conference “Regulating Climate: What Role for the Clean Air Act,” Co-sponsored by the Nicholas Institute for Environmental Policy Solutions at Duke University, the Duke Law School, and the Harvard Law School at Duke University (Mar. 2009)

Presentation, “Mormon Land Use Planning and Modern Land Use Challenges.” J. Reuben Clark Law Society Meeting at the Annual American Association of Law School Conference (Jan. 2009)

Presentation, “Is an Exemption from U.S. Groundwater Regulations a Loophole or a Noose?” International Association for the Study of Commons 12th Biennial Conference, Cheltenham, England (July 2008)

Presentation, “Breaking Commons Cartels.” International Association for the Study of Commons 12th Biennial Conference, Cheltenham, England (July 2008)

SIGNIFICANT SERVICE IN THE PROFESSION

BYU ASSIGNMENTS

Faculty Advisor, Environment, Energy and Resources Society (2010-22)

University Committee Member, University Academic Review Committee (2020-22)

Committee Member, Diversity, Equity and Belonging Council (2020-22)

Director, Law and Social Change Initiative (2017-22)

Member, University Environmental Ethics Initiative (2010-2022)

Committee Member, Judicial Clerkship Committee (2020-21)

Chair, Student Awards Committee (2017-20)

Committee Member, Academic Development Committee (2019-20)
Organizer and Host, Rocky Mountain Junior Scholars (2019)
Committee Member, Legal Writing Committee (2016-19)
Committee Member, Library Committee (2012-2018)
Chair, Faculty Appointments Committee (2016-17)
Chair, Curriculum Committee (2013-2015),
University Committee Member, University Curriculum Committee (2013-2015)
Faculty Advisor, Law Review (2014-15)
Faculty Advisor, Law and Economics Club (2014-15)
Committee Member, Graduation Committee (2014-15)
Faculty Host, Law Review Symposium (2013-2014)
Chair, External Speakers Committee (2011-2013)
Committee Member, Curriculum Committee (2010-2011; 2012-2013)
Chair, University Truman Scholar Nominee Selection Committee (2011-2013)
Committee Member, Faculty Self-Study Committee (2010-2011)
Committee Member, Technology Committee (2010-2013)
Committee Member, Ad Hoc Committee regarding Dismissal/Probation/Remittance (2011)
Committee Member, University Truman Scholar Nominee Selection Committee (2010-2011)
Faculty Co-host, Law Review Symposium (2010-2011)

University of Houston Law Center

Co-Director, Environment, Energy, and Natural Resource Center (2009-2010)
Faculty Editor, Environmental & Energy Law & Policy Journal (2008-2010)
Committee Member, Faculty Appointments Committee (2009-2010)
Committee Member, Student Affairs Committee (2008-2010)

Other Activities in the Profession

Trustee and Grants Committee Member, Foundation for Natural Resources and Energy Law (FNREL) (2019-2023)
Board Member, Conserve Utah Valley (2020-23)
Volunteer, Utah Nature Conservancy (2018-23)
Board Chair, LDS Earth Stewardship (2021-22),
Board Member, LDS Earth Stewardship (2014-22)
Advisory Board Member, (2019-22)

Pro bono attorney for more than thirty students in mediations related to housing disputes surrounding COVID-19 (2020)

Volunteer, Utah Bar Association Tuesday Night Bar (2010-14)

Associate Editor, Professor Blogs Network, Environmental Law Blog (2011-2013)

Executive Committee Member, American Association of Law Schools Environmental and Natural Resources Sections (2009-10)