


Summer 2012

Summer 2012 Utton Center Newsletter

Utton Center, University of New Mexico - School of Law

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UNM SCHOOL of LAW

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The Utton Center



Note from the Director

The University of New Mexico is a big school, I am often reminded, and there are hundreds of students and scores of faculty members in programs across the university who are passionate about natural resources and the environment. Do we offer the best educational curriculum to prepare these students for their important work? Our graduates will work in settings that are inherently interdisciplinary. Even lawyers must acquire some dexterity in, the natural sciences and technology, as any water or environmental lawyer can confirm. But students who want to acquire an interdisciplinary education are given little encouragement in academic institutions.



I believe that when it comes to addressing natural resources, it is hard to defend educating students in only a single discipline. This complaint is not well received by the culture of universities. The academy is a self-perpetuating institution, with areas of study structured as they were when faculty were students.

[see full Note from the Director](#)

**Professor Denise Fort
Director,
Utton Center**

Four Earn Natural Resources Certificates

Within the University of New Mexico School of Law, the Natural Resources and Environmental Law Certificate Program allows students to gain a comprehensive understanding of natural resources and environmental law.

The program's curriculum includes all law school courses concerning natural resources and the environment. These courses include everything from Animal Law and Energy and the Environment to Oil and Gas Contracts and Water Law

Additionally, students are permitted to take two related graduate courses offered through other academic units on campus-including biology, economics, civil engineering, geography, geology, political science, public administration, architecture and planning, and classes offered by the Water Resources Program.

Students earning Natural Resources Certificates this year include Nick Pino, Luke Pierpont, Sean FitzPatrick, and Reid Pierce.

To learn more about the certificate and its specific requirements, visit:
<http://lawschool.unm.edu/natres-envlaw/fact-sheet.pdf>



Alex Ritchie and his wife, Amy

Ritchie Brings Oil and Gas Expertise to UNM

In the fall, Alex Ritchie will begin teaching at the University of New Mexico School of Law. A native of Albuquerque, Professor Ritchie has spent the past three years as Senior Legal Counsel at Suncor Energy in Denver, Colorado.

"What was particularly striking to me is the pragmatic approach that oil and gas and mining companies took to everyday problems," he says when speaking of how he gravitated away from his background in mergers and acquisition work and toward natural resources. "I wasn't experiencing the same type of camaraderie as with other industries. People seemed to work together really well."

He wonders if that camaraderie dates back to the "handshake roots" of the oil and gas industry, an industry that grew out of the West "where people could rely on another person's word in connection with business."

[full story here](#)

Innovation Working Group Tackles Climate Change, Water, and Ag

On May 2-4, the EPSCoR Innovation Working Group on Climate Change, Agriculture, and Water Policy met at the Valles Caldera National Preserve in Jemez Springs, NM.



Spearheaded by the Utton Center's Professor Denise Fort, the group consists of participants from New Mexico, Utah, Arizona, California, and Colorado. Co-principal investigators include New Mexico State University Associate Professor Brian Hurd, University of Arizona Professor George Frisvold, and author and National Geographic Society Freshwater Fellow Sandra Postel (who was not present at the May meeting).

The group plans to submit a proposal to the National Science Foundation on water policy in the Southwest. The Southwest, of all regions in the continental United States, is predicted to experience the strongest signals of climate change, and is likely to be among the earliest regions to experience measurable impacts of climate change. The Southwest, therefore, is an important region within which to evaluate key questions and tradeoffs regarding the impacts of climate change on agriculture and associated economic sectors and communities.



Gauna Delivers Distinguished Lecture

Professor Eileen Gauna ('85) presented the Distinguished Lecture at the 2012 Journal of Environmental and Sustainability Law Symposium in early March at the University of Missouri School of Law. The title of her talk was, "Environmental Law, Civil Rights and Sustainability: The Need to Bridge Disparate Frameworks to Address Disparately Impacted Communities."

The symposium explored the tension between the desire to promote environmental justice through renewable energy and sustainable development strategies, and the environmental justice concerns that such development itself can sometimes raise.

Later in March, Gauna was one of about 30 experts invited to a workshop titled, Adaptation and the Private Sector, which discussed how to adapt laws to facilitate better private sector adaptation to climate change. The participants will jointly author a white paper based on the workshop discussion.

The workshop was sponsored by the Center for Law, Environment, Adaptation, and Resources at the University of North Carolina School of Law; the Emmett Center for the Environment at UCLA; The Georgetown Climate Center at Georgetown Law Center; Vanderbilt Climate Change Research Network and the Center for Progressive Reform.

Fort Questions Status Quo in Tribal Water Marketing

Professor Denise Fort presented a talk titled, "Policy Questions Concerning Tribal Water Marketing" at the American Bar Association's 30th Annual Water Law Conference in late February. The conference in San Diego was presented by the ABA's Section of Environment, Energy and Resources.

The two-day program addressed emerging national and international water issues against the backdrop of 30 years of water law. Leading academics, in-house counsel, non-governmental organization and government representatives, along with practitioners discussed the pressing water issues of our time. Is there a right to water, and, if so, how should it be considered in the law? How do we address aging water infrastructure and also finance new growth? How do the western and eastern U.S. water law issues converge and how can each region learn from the other?

[full story here](#)

Affiliate Spotlight: Vickie Gabin

Over the past 18 years, Vickie L. Gabin has been a special master for various stream system adjudications filed in the United States District Court. She consults with the New Mexico Administrative Office of the Courts on state court adjudications in matters ranging from adjudication reform to procedural rules. She is also a convenor of Dividing the Waters, an national educational network of judicial officers.

Gabin also works on water policy issues, dispute resolution methods, and improving court access for self-represented litigants.

To learn more about other Utton Center affiliates, visit:
<http://uttoncenter.unm.edu/affiliates.pdf>

ELS Announces Board, Honors Miano

By Luke Pierpont

This spring the Environmental Law Society (ELS) awarded its first ever summer fellowship in collaboration with the Association of Public Interest Lawyers (APIL). The fellowship was given to the class of 2014's Michelle Miano, a deserving recipient who will be working on fracking issues with Earthworks out of Durango, CO.

ELS would like to extend its deepest gratitude to all who participated in the fundraising auction, as well as to APIL for its generous contributions to our efforts. Without APIL, the fellowship would not have been possible. We hope to make this a recurring fellowship-and the success of our first effort bodes well for the future.

ELS is also pleased to announce a new board for the 2012-2013 school year. The co-presidents include Michelle Miano and Justin Nyberg and co-Vice Presidents include Edward Merta and Kari Olson. The secretary is Jason Kirkmans and treasurer is Scott Beckman.

The outgoing board wishes these talented students all the best and anticipates great things in the coming year.

Natural Resource Lecture Series Available Online

In an effort to reach more students and members of the public, the Utton Center has made digital recordings of recent lectures available online. The lectures can be viewed at:

<http://uttoncenter.unm.edu/projects/speaker-series.php>

In April, Lynn Slade ('76) gave a talk titled "A View from the Bar: Energy Development in Indian Country." Slade is a shareholder at Modrall Spering Law Firm in Albuquerque, where he focuses on federal Indian law and Native American law, along with energy, natural resources, environmental law, and complex litigation. "There is tremendous opportunity for energy development in Indian country, ranging from renewable energy sources to conventional fuels," Slade summarizes. "However, development presents unique challenges for tribes, individual Indian landowners and private energy developers."

[full story here](#)

Student Spotlight: Melissa Candelaria

Melissa is a tribal member from the Pueblo of San Felipe Pueblo in New Mexico. A second year law student, she earned her bachelor's degree from Dartmouth College ('97).

Candelaria will be assisting the Utton Center with Indian water rights law and research. "I've always been interested in understanding the way people and governments can work collaboratively to share this, the most valuable resource in the Southwest," she says. She also enjoys hiking and participating in traditional and cultural events in her tribal community.





Law Library's Cohen Retiring in September

Associate Librarian and Professor of Law Librarianship Eileen Cohen has seen a lot of changes over her 24 years at the University of New Mexico Law Library.

"Technology has changed libraries more than any other profession," she says, noting that when she started at the library in 1988, staff still used electronic typewriters. The changes have been exciting-such as when The Library of Congress THOMAS site came online in the 1990s and the increased access to LexisNexis-but they have also led to staff cutbacks and the cancellation of many print periodicals and journals.

After she retires in September, Cohen envisions participating in volunteer work related to adult literacy. But first, the aficionada of quiet water canoeing will be heading off for a two-and-a-half week canoe trip on the Green River. "I've worked since I was nine years old," she says, "and I'm looking forward to becoming a human being, instead of a human doing."

Online: Law Library's Latest Acquisitions

To view a list of the Law Library's recent titles that may be of greatest interest to Utton Center faculty and students, visit:

<http://uttoncenter.unm.edu/newsletter/Jun12/LawLibraryNewList.pdf>

Upcoming Events

On June 5 and 6 in Albuquerque, New Mexico First will be hosting "New Mexico Fire and Water: Impacts and Lessons Learned from the Los Conchas Fire." The town hall and workshops will be supported by New Mexico's Environmental Program to Stimulate Competitive Research (NM EPSCoR). To learn more about the town hall discussions and to register, visit:

<http://nmfirst.org/events/fire-and-water>

On June 21-22, CLE International is offering The First Annual Tribal Water Law Conference (A National Perspective) in Las Vegas, NV. Topics range from: Tribal Water Rights 101-Reserved Water Rights and the Quantification of Such Rights though current tribal issues in the Colorado River Basin, instream flows for hydropower, a state's perspective on adjudication, lobbying for tribes, water quality regulation on tribal lands and more. , To learn more and register, visit:

<http://www.cle.com/upcoming/PDFs/LVGRES12.pdf>

The 2012 National Congress of American Indians Mid-Year Conference and 7th Annual Tribal Leader/Scholar Forum is scheduled for June 17-20 in Lincoln, NE. More than 800 tribal leaders and representatives are expected to attend general assemblies and break-out sessions during the three day conference, which will provide a forum for tribal, federal, and state government and business leaders to keep abreast of issues such as: asserting tribal water rights, economic development, criminal jurisdiction, violence against women, tax issues, financial literacy, energy development, and homeland security. For more information, visit:

<http://www.ncai.org/events/2012/06/17/2012-ncai-mid-year-conference>

Coming Up In the Next Issue

In July, the Utton Center will be releasing the second issue of Environmental Flows Bulletin. Stories will include mimicking the natural hydrograph on the San Juan River, restoration work on the Pecos River, an interview with Albuquerque Mayor Richard J. Berry-and more. Email alexander@law.unm.edu to be added to mailing list.

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Utton Center Newsletter

Thank you for your interest and participation in the Utton Center's activities and efforts to improve the status of water resources in the State of New Mexico. For further information, please see our website <http://uttoncenter.unm.edu/>. If you have ideas, requests or suggestions for our next newsletter, please contact the Utton Center at the information listed above. You are a valued resource to the center and our community. Thank you!

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