

Curriculum Vitae of Robert H. Abrams  
December 2023

**Business Address and Contact Information**

Florida Agricultural & Mechanical University  
College of Law  
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**Academic Positions**

Florida A & M, College of Law	
Professor of Law	2004-present
Human Dimensions Focus Area Lead	2010-2017
NOAA-EPP/FAMU-ECSC	
Australian National University	Spring 2023
Visiting Fellow, Fenner School of Natural Resources	
Institute for Water Futures	
Wayne State University, Law School	
Professor of Law	1981-2004
and Interim Dean	1986-1987
and Associate Dean	1984-1986
Associate Professor of Law	1977-1981
University of Michigan	
Adjunct Professor of Natural Resources	1989-2003
Visiting Professor of Law	Fall 2002
	Winter 1999
	Winter 1989
	Winter 1988
	Winter 1983
Rijksuniversiteit Utrecht	
Instituut voor Staats-en Administratief Recht	
Visiting Professor of Law	Fall 1987
Institute of International and Comparative Law	
Professor of Law	Summer 1980 (Oxford)
	Summer 1993 (Paris)
Western New England College School of Law	
Associate Professor of Law	1976-77
Assistant Professor of Law	1974-76

**Subjects Taught and Teaching Honors:**

Upper level: Water Law, Environmental Law; Contract Drafting

First year: Civil Procedure

Specialty offerings: Environmental Practice Workshop, Environmental Justice Seminar, Hazardous Waste Workshop, Federalism, Sovereignty, and Natural Resources

Recipient Wayne State University Board of Governors Faculty Recognition Award 1993

Recipient Wayne State Law School Donald Gordon Teaching Award 1995

Recipient Western New England College School of Law Teacher of the Year 1977

Tenure first awarded 1980

**Legal Practice**

Frederick D. Jasmer, P.C. Litigation Attorney	1973-74
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**Education**

University of Michigan Law School J.D., cum laude Chairman, Environmental Law Society	1971-1973 1973
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Stanford Law School Stanford Law Review Hilmer Oehlmann Writing Award	1969-1971 1970-71 1970
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University of Michigan A. B. with distinction, Philosophy	1969
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**Selected Writings****Books:****Current editions:**

Legal Control of Water Resources, 6th ed. 2018, West Publishing Co., (1200 pages with accompanying Teacher's Manual), co-author with Barton Thompson, Jr., John Leshy, & Sandra Zellmer. [co-author of all previous editions]

Environmental Law and Policy: Nature, Law, and Society, 5th ed. 2016, Wolters/Kluwer-Aspen Publishing Co., (approximately 1050 pages and accompanying Teacher's Manual) co-author with Zygmunt Plater, Robert Graham, Lisa Heinzerling, David Wirth, & Noah Hall. [co-author of all

previous editions] Annual Teacher's Updates—most recent 2021 for AY 21-22 (approximately 250 pages).

Water Rights and Environmental Regulation: A Lawyer's Guide, 2018 (editor-in-chief and contributing author of four chapters); ABA Publication (approximately 400 pages).

### **Selected Articles and Chapters:**

Weather Modification: Past and Prologue, 37 *Natural Resources & Environment* 21 (Fall 2022) (Co-author with Alexis Clark).

Prior Appropriation and the Commons, in Sheila Foster & Chrystie Swinney, eds., *THE CAMBRIDGE HANDBOOK OF COMMONS RESEARCH INNOVATION* (2021) (This is a shorter and differently focused version of the next item. This paper was delivered as part of a Symposium commemorating the 50-year anniversary of Hardin's Tragedy of the Commons)

Prior Appropriation and the Commons, 37 *UCLA Journal of Environmental Law & Policy* 141 (2019))

Water and Property Rights in an Era of Hydroclimate Instability, College of William & Mary, 2018 Gideon Kanner Property Rights Journal 129 (2018)

Downstream Inundations Caused by Federal Flood Control Dam Operations in a Changing Climate: Getting the Proper Mix of Takings, Tort, and Compensation, 19 *University of Denver Water Law Review* 1 (2015) (lead author, co-author Jacqueline Bertelsen)

Water Law Transitions, 66 *South Carolina Law Review* 597 (2015)

Transboundary Water Allocation Risks of Compacts: Who Wins When Legal Rules Face Adaptive Challenges?, 60 *Rocky Mt. Min. L. Inst.* 9-1 (2014)

Water, Climate Change, and the Law: Integrated Eastern States Water Management Founded on a New Cooperative Federalism (42 *Environmental Law Reporter* 10433 (2012)

Legal Convergence of East and West in Contemporary American Water Law 42 *Environmental Law*, 42 *Natural Resources & Environment* 65 (2012)

Framing Water Policy in a Carbon Affected and Carbon Constrained Environment, 50 *Natural Resources Law Journal* 3 (lead author, co-author Noah Hall, 2010)

Correcting Mismatched Authorities: Erecting a New "Water Federalism", 25 *Natural Resources & Environment* 22 (2010)

Water Federalism and the Army Corps of Engineers Role in Eastern States Water Allocation, 31 University of Arkansas Little Rock Law Review 395 (2009)

The Boundary Waters Treaty of 1909 as a Model for Interjurisdictional Water Governance, 54 Wayne Law Review 1635 (2008)

Settlement of the ACF Controversy: Sisyphus at the Dawn of the 21<sup>st</sup> Century, 31 Hamline Law Review 679 (2008)

Climate Change and Freshwater Resources, 22 Natural Resources & Environment 30 (Winter 2008) (co-author with Noah Hall & Brent Stuntz)

Walking the Beach to the Core of Sovereignty: The Historic Basis for the Public Trust Doctrine Applied in *Glass v. Goeckel*, 40 University of Michigan Journal of Law Reform 861 (2007)

Broadening Narrow Perspectives and Nuisance Law: Protecting Ecosystem Services in the ACF Basin, 22 J. Land Use & Env. Law 243 (2007)

Interstate Water Allocation: A Contemporary Primer for Eastern States, 25 University of Arkansas Little Rock Law Review 155 (2002).

Superfund and the Evolution of Brownfields Federalism, 21 William & Mary Environmental Policy Journal 265 (1997).

Using Experience to Improve Superfund Remedy Selection, 29 University of Richmond Law Review 581 (1995).

Secure Water Rights in Interstate Waters, appearing in *Water Law: Trends, Policies, and Practice*, Kathleen Marion Carr & James D. Crammond, eds. (1995).

Groundwater Law in the Great Lakes States: A Lawyer's Catalog for the Benefit of Water Planners, 1 Buffalo Environmental Law Journal 287 (1993)

Is FERC Going With The Flow?: A Comment On The Upper Ohio River Basin Litigation, 3 Rivers 202, (1992).

Replacing Riparianism in the Twenty-First Century, 36 Wayne Law Review 93 (1990).

Water Allocation By Comprehensive Permit System in the Humid East: Moving Away From Orthodoxy, 9 Virginia Environmental Law Review 255 (1990).

Wyoming v. United States: A Battle for the Legal Imagination, 43 Oklahoma Law Review 71 (1990).

Statutory Protection of Biodiversity in the National Forests, XXII (4)  
Michigan Academician 319 (1990).

Charting the Course of Riparianism: An Instrumentalist Theory of Change,  
35 Wayne Law Review 1381 (1989).

Sing Muse: Legal Scholarship for New Law Teachers, 37 Journal of Legal  
Education 1 (1987).

Water In The Western Wilderness, 1986 University of Illinois Law Review  
387.

"Legal Accommodation of Conjunctive Water Use" in Water Today and  
Tomorrow, J. Replogle & K. Renard, eds., (1984).

Toward a Constitutional Framework for State Court Jurisdiction, 69  
Minnesota Law Review 75 (1984), co-author with Paul Dimond.

Augmentation of Surface Water Supply in a Riparian Jurisdiction, 23  
William & Mary Law Review 591 (1983).

Power, Convenience and the Elimination of Personal Jurisdiction in the  
Federal Courts, 58 Indiana Law Journal 1 (1982).

Thresholds of Harm in Environmental Litigation: The Michigan  
Environmental Protection Act as a Model of a Minimal Requirement, 7  
Harvard Environmental Law Review 107 (1982).

Due Process and the Situs of Bankruptcy Litigation: Defending the 1978 Act  
Against Constitutional Attack, 1982 Annual Survey of Bankruptcy Law 155.

Legal Obligations Toward the Post-Secondary Learning Disabled Student, 27  
Wayne Law Review 1475 (1981), co-author with H. G. Abrams.

Governmental Expansion of Recreational Water Use Opportunities, 59  
Oregon Law Review 199 (1980).

Reserved Water Rights, Indian Water Rights, and the Narrowing Scope of  
Federal Jurisdiction: The Colorado River Decision, 30 Stanford Law Review  
1111 (1978).

The Law Library's Institutional Response to the Pro Se Patron: A  
Post-Faretta Review, 1 Western New England Law Review 47 (1978),  
co-author with D. Dunn.

Implied Reservation of Water Rights in the Aftermath of Cappaert v. United  
States, 7 Environmental Law Reporter 50043 (1977).

Goldstein v. California: Sound, Fury, and Significance, 1975 Supreme Court Review 148, co-author with H. B. Abrams.

***Recent Presentations (2018-2022):***

- Comparative Approaches to Water Scarcity: Australia and the United States, Australian National University, Institute for Water Futures, 6 March 2023.
- Water 2070: Issues of Quantity and Quality, 48th Spring Environmental Law Conference, Denver, CO, March 28, 2019.
- Water Law 101, 37<sup>th</sup> Annual American Bar Association Water Law Conference, Denver, CO, March 26, 2019.
- Prior Appropriation and the Commons, 50<sup>th</sup> Anniversary Symposium on Hardin's Tragedy of the commons, Georgetown University Law School, Washington, D.C., October 5, 2018.
- The Clean Water Rule: Clear as Mud?, American Bar Association 2018 Environmental Law and Policy Conference, Oxford, MS, March 9, 2018
- Water Law 101, 36<sup>th</sup> Annual American Bar Association Water Law Conference, Orlando, FL, April 17, 2018.

**Professional Activities**

***United States Supreme Court Amicus Briefs (as author or co-author)***

Mississippi v. Tennessee, No. 143 Original, Brief of Amicus Law Professors (co-author) (argument to be held October 2021).

Arkansas Game & Fish Commission v. United States, 568 U.S. 23 (2012), Brief of Amicus Professors of Law Teaching in the Property Law and Water Rights Fields (author), cited by the Court, 568 U.S. at 522, note 1.

***Positions Held:***

American Bar Association, Section on Energy, Environment and Resources, Water Resources Committee, Chair, 1992-93; Vice Chair, 1988-1992, 1993-1997, 2004-2022.

American Law Institute

Elected Member, 1982-2007; Life Member, 2007 and thereafter

Member, Consultative Committee to the ALI Complex Litigation Project, 1987-94.

Contributing Editor, Preview of United States Supreme Court Cases, 1983-1997; 2002-present.

Dividing the Waters, Board of Advisors 2012-2020

Contributing Editor, Eastern Water Law & Policy Reporter, 2006-2007

Advisor, American Society of Civil Engineers, Water Policy & Management Division, Model Water Code Task Committee, 1990-1998.

Legal Affairs Editor, Rivers: A Journal of Studies in Science, Environmental Policy, and Law of Instream Flow, 1991-1993.

Member, Advisory Board to the editor-in-chief of Waters and Water Rights, 1988-92).

Neutral Mediator, Wayne County Mediation Tribunal, 1983-1994.

Co-Reporter, Local Rules Committee, United States District Court for the Eastern District of Michigan, 1979-86.

Member State Bars of Michigan (active, admitted 1973) and Massachusetts (inactive, admitted 1975); admitted to Supreme Court of the United States, 2008.