

DAVID W. CASE

University of Mississippi School of Law
Robert C. Khayat Law Center, Room 3011
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Academic Appointments:

2015-current: Professor of Law and Mississippi Defense Lawyers Association Distinguished Lecturer in Law, University of Mississippi School of Law

Teaching and research areas: Environmental Law, Environmental Management, Environmental & Toxic Torts, Administrative Law, Contracts, Civil Procedure, Property

2007-15: Associate Professor of Law (with tenure since 2009) and Jessie D. Puckett, Jr. Lecturer (2013-15), University of Mississippi School of Law

2002-07: Assistant Professor of Law, University of Memphis School of Law

2001-02: Visiting Assistant Professor of Law, University of Memphis School of Law

1998-2001: Bridgestone Americas Fellow in Environmental Management, Vanderbilt University

1998-2001: Senior Research Associate, Vanderbilt Center for Environmental Management Studies

Education:

Ph.D., Vanderbilt University (December 2004) (Interdisciplinary Studies: Environmental Law, Management and Policy)

LL.M., Columbia University (May 1993)

J.D., *cum laude*, University of Mississippi (May 1988)

Phi Kappa Phi

Associate Editor-in-Chief/Comments, *Mississippi Law Journal*

B.A., University of Mississippi (May 1985) (English and Political Science)

Judicial Clerkships:

Judicial Clerk for the Honorable Rhesa H. Barksdale
Circuit Judge, United States Court of Appeals for the Fifth Circuit (1991-92)

Judicial Clerk for the Honorable James C. Sumner
Magistrate Judge, United States District Court for the Southern District of Mississippi (1993-94)

Legal Practice Experience:

Ott & Purdy, P.A., Jackson, Mississippi
Partner (1995-98); Associate (1994-95, 1988-91)

United States Department of Justice, Washington, D.C.
Attorney, Civil Division, Commercial Litigation Branch (1993)

Additional Academic Experience:

Faculty, Council on Legal Education Opportunity (CLEO) Summer Institute (at the University of Mississippi School of Law)
Summer 2015 (Property); Summer 2013 (Property); Summer 2012 (Property)

Visiting Professor, University of Memphis School of Law
Spring 2015 (Environmental Law); Spring 2014 (Environmental Law); Spring 2012 (Civil Procedure II); Spring 2011 (Environmental Law)

Visiting Professor, University of Mississippi School of Law
Summer 2005 (Environmental Law, Civil Procedure I); Summer 2002 (Environmental Law)

Faculty, Tennessee Institute for Pre-Law (University of Memphis School of Law, Alternative Admissions Summer Program)
Summer 2006 (Torts); Summer 2005 (Torts); Summer 2003 (Contracts), Summer 2002 (Contracts)

Adjunct Professor, Mississippi College School of Law
Summer 1994 (State and Local Government Law)

Teaching Fellow, Columbia University School of Law
Fall 1992 (Mass Torts) (Co-taught by Professor Harold L. Korn and Adjunct Professor Jack B. Weinstein, United States District Judge for the Eastern District of New York)

Teaching Assistant, University of Mississippi School of Law
Fall 1987, Fall 1986 (Legal Research and Writing)

Awards:

2012 Ben A. Hardy Faculty Excellence Award (in recognition of outstanding teaching, scholarship, and service by a faculty member at the University of Mississippi School of Law)

2011 Oxford/University Sustainability Leadership Award (UM Faculty category) (awards made annually as part of the City of Oxford/University of Mississippi Green Week Initiative)

Publications:

Journal Articles

The Lost Generation: Environmental Regulatory Reform in the Era of Congressional Abdication, 25 DUKE ENVTL. L. & POL'Y F. 49 (2014)

The Role of Information in Environmental Justice, 81 Miss. L.J. 701 (2012) (solicited for American Bar Association Section of Environment, Energy and Resources Symposium on U.S. Environmental Justice and the Law)

Changing Corporate Behavior Through Environmental Management Systems, 31 WM. & MARY ENVTL. L. & POL'Y REV. 75 (2006) (solicited for Symposium on Corporate Governance and Environmental Best Practices)

The EPA's HPV Challenge Program: A Tort Liability Trap?, 62 WASH. & LEE L. REV. 147 (2005)

Corporate Environmental Reporting as Informational Regulation: A Law and Economics Perspective, 76 U. COLO. L. REV. 379 (2005)

The Pedagogical Don Quixote De La Mississippi, 33 U. MEM. L. REV. 529 (2003)

The Law and Economics of Environmental Information as Regulation, 31 ENVTL. L. REP. 10773 (2001)

The EPA's Environmental Stewardship Initiative: Attempting to Revitalize a Floundering Regulatory Reform Agenda, 50 EMORY L.J. 1 (2001)

Legal Considerations in Voluntary Corporate Environmental Reporting, 30 ENVTL. L. REP. 10375 (2000)

Environmental Information Disclosure and Stakeholder Involvement: Searching for Common Ground, 6 CORP. ENVTL. STRATEGY 415 (1999) (joint with Mark Cohen, Mark Abkowitz, Susan Buck, and Patricia Drake)

Setting a Higher Standard: Judicial Review of Federal Affirmative Action in the Wake of Adarand, 16 MISS. C. L. REV. 369 (1996) (solicited for Symposium on The Role of the U.S. Court of Appeals for the Fifth Circuit in the Civil Rights Movement)

From Pruett to Presley: The Long and Winding Road to Abrogation of Common Law Sovereign Immunity in Mississippi, 63 MISS. L.J. 537 (1994)

In Search of an Independent Judiciary: Alternatives to Judicial Elections in Mississippi, 13 MISS. C. L. REV. 1 (1992)

Resolving the Conflict Between Chapter 13 of the Bankruptcy Code and the Free Exercise Clause – In re Green: A Step in the Wrong Direction, 57 MISS. L.J. 163 (1987) (student comment)

Books

ENVIRONMENTAL LAW (West Publishing, Legal Almanac Series: Thomson Reuters' Law for the Layperson, 2011) (joint with Ronald J. Rychlak)

Originally published as ENVIRONMENTAL LAW (Oxford University Press, Oceana's Legal Almanac Series: Law for the Layperson, 2010) (joint with Ronald J. Rychlak)

Doctoral Dissertation

ESSAYS ON STATE-OF-THE-ART ENVIRONMENTAL POLICY TOOLS (2004) (Ph.D. dissertation, Vanderbilt University) (in circulation at Vanderbilt University Library; ISBN # 0-496-15384-6)

Book Chapters

Mississippi, in 2 STATE-BY-STATE GUIDE TO ARCHITECT, ENGINEER, AND CONTRACTOR LICENSING 967 (Stephen G. Walker et al. eds., 1999) (Chapter 27)

The Agreement of Indemnity – The Surety's Handling of Contract Bond Problems: Administration and Resolution of Performance Bond and Payment Bond Claims, in THE AGREEMENT OF INDEMNITY – PRACTICAL APPLICATIONS BY THE SURETY (George J. Backrach ed., 1990) (joint with Stephen J. Trecker & Luther S. Ott)

Essays

Tribute to John Robin Bradley, 82 MISS. L.J. 779 (2013)

Foreword: American Bar Association Section of Environment, Energy and Resources Symposium, U.S. Environmental Justice and the Law, 81 MISS. L.J. 641 (2012)

Federal Law – Environmental Regulations, 2 ENCYCLOPEDIA OF AMERICAN ENVIRONMENTAL HISTORY 514-16 (University of Houston Center for Public History ed., 2011)

Nuisance Law, 3 ENCYCLOPEDIA OF AMERICAN ENVIRONMENTAL HISTORY 996-97 (University of Houston Center for Public History ed., 2011)

Judge Rhesa H. Barksdale: A Tribute to a Distinguished Graduate of the Ole Miss Law School, 79 Miss. L.J. 225 (2009)

Remembering Tom Mason, 73 Miss. L.J. i (2004)

Tribute to "Iron Mike" Featherstone, 70 Miss. L.J. 497 (2000)

Presentations and Panels:

Presentation, "Water Rights Disputes Between States: Florida v. Georgia and Mississippi v. Tennessee," American Constitution Society for Law and Policy 2015 SCOTUS Preview, University of Mississippi School of Law, October 2015

Presentation, "The Lost Generation: Environmental Regulatory Reform in the Era of Congressional Abdication," University of Mississippi School of Law, Faculty Colloquium Lecture, October 2014

Panel Moderator, "The Role of Information in Environmental Justice," American Bar Association Section of Environment, Energy and Resources Symposium on U.S. Environmental Justice and the Law, University of Mississippi School of Law, April 2011

Presentation, "The Current State of Common-Law Climate Change Litigation," Mississippi-Alabama Sea Grant Legal Program, Environmental Law Fall Forum, Mobile, Alabama, December 2010

Presentation, "You've Got Tenure! Now What?," Southeastern Association of Law Schools (SEALS) Annual Meeting, Palm Beach, Florida, July 2010

Panel Moderator, "Consequences of Climate Change: Policy, Law and Community," University of Mississippi School of Law (Sponsored by the Environmental Law Society, the University of Mississippi, and the City of Oxford), April 2009

Presentation, "Changing Corporate Behavior Through Environmental Management Systems," University of Mississippi School of Law, Faculty Luncheon Speaker Series, March 2007

Presentation, "Changing Corporate Behavior Through Environmental Management Systems," William & Mary School of Law Environmental Law and Policy Symposium on Corporate Governance and Environmental Best Practices, February 2006

Presentation, "Expanding the Frontier of Negligent Entrustment Liability in Tennessee," Barristers Education Services Seminar, December 2005

Presentation, "Recent Developments in Tennessee Tort Law," Memphis Bar Association Seminar, December 2004

Presentation, "Reducing Liability in the Reporting of Environmental Information," 2002 National Environmental Innovations Summit, Environmental Performance Institute, Washington, D.C., September 2002

Presentation, "Environmental Law," Memphis Bar Association Seminar ("Summer School at the University of Memphis"), July 2002

Conference Moderator, Vanderbilt Center for Environmental Management Studies National Summit ("Environmental Risk Communication: What Is It and How Can It Work?"), Nashville, Tennessee, March 2002

Presentation, "Reducing Liability in the Reporting of Environmental Information," 2001 National Environmental Innovations Summit, Environmental Performance Institute, Washington, D.C., September 2001

Presentation, "Legal Considerations in Voluntary Corporate Environmental Reporting," Vanderbilt Center for Environmental Management Studies Workshop ("Corporate Environmental and Sustainability Reporting: A New Look for the Information Age"), Nashville, Tennessee, May 2001

Conference Moderator, 2000 Business Environment Learning Leadership (BELL) Conference ("Communicating Corporate Environmental Performance & Sustainability in the New Information Economy"), May 2000 (chaired panels on topics "Environmental Information Disclosure: Too Much or Too Little?" and "Corporate Environmental and Sustainability Reports: The State of the Art and Beyond")

Presentation, "Legal Considerations in Voluntary Corporate Environmental Reporting," Vanderbilt Center for Environmental Management Studies Workshop ("Corporate Environmental Reports: The State of the Art and Beyond"), Nashville, Tennessee, January 2000

Presentation, "The Saturn +5 ISO 14000 Pilot Project," Tennessee Department of Environment and Conservation Environmental Management System Workshop, Chattanooga, Tennessee, June 1999

Conference Moderator, Vanderbilt Center for Environmental Management Studies National Summit ("Environmental Information Disclosure and Stakeholder Involvement: Searching for Common Ground"), Nashville, Tennessee, March 1999

Coach, Pace National Environmental Law Moot Court Competition Team (moot held annually at Pace University School of Law, White Plains, New York):

University of Mississippi School of Law (2008-current)

National Champion (2015, 2014, 2012, 2011)

Best Brief Award (2012, 2011)

National Semifinalist (2010)

National Quarterfinalist (2013)

Participant (2009)

University of Memphis School of Law (2001-07)

National Finalist (2007)

National Semifinalist (2005, 2004)

National Quarterfinalist (2006, 2002)

Participant (2003)

Teaching and Service at University of Mississippi School of Law (2007-current):

Courses Taught

Administrative Law – 2015-16, 2014-15, 2013-14, 2012-13, 2010-11, 2008-09, 2007-08

Civil Procedure I – 2015-16

Civil Procedure II – 2015 (summer) 2014 (summer) 2013 (summer), 2012 (summer), 2011 (summer), 2010 (summer), 2009 (summer), 2008 (summer), 2007 (summer)

Contracts (4) – 2015-16, 2014-15

Contracts I (3) – 2013-14, 2009-10

Contracts II (3) – 2013-14, 2009-10

Contract Negotiation and Drafting – 2012-13

Environmental Law – 2015-16, 2014-15, 2013-14, 2012-13, 2011-12, 2010-11, 2009-10, 2008-09, 2007-08, 2007 (summer)

Environmental and Toxic Torts – 2014-15, 2012-13, 2010-11, 2008-09

Intro to American Law and Reasoning (Honors 350) – 2015-16, 2014-15, 2013-14

Property (4) – 2012-13, 2011-12, 2010-11, 2009-10, 2008-09, 2007-08

Academic Discipline Service

Editorial Board, *Sea Grant Law & Policy Journal* (publication of the National Sea Grant Law Center at the University of Mississippi), 2007-15

Judge, National Environmental Law Moot Court Competition, Pace University School of Law, February 2008

Judging Committee, Environmental Justice Student Writing Competition, held in conjunction with the American Bar Association Section of Environment, Energy and Resources Symposium on U.S. Environmental Justice and the Law hosted at the University of Mississippi School of Law, 2010-11

Planning Committee, American Bar Association Section of Environment, Energy and Resources Symposium on U.S. Environmental Justice and the Law hosted at the University of Mississippi School of Law, 2010-11

University Service

Faculty Fellow, Luckyday Residential College – 2011-12, 2010-11

Faculty Senate Academic Affairs Committee – 2010-11 (Chair)

Faculty Senate Executive Committee – 2010-11

Intercollegiate Athletics Committee – 2015-16, 2014-15, 2013-14, 2012-13, 2011-12, 2010-11, 2009-10, 2008-09, 2007-08

Law School Dean Search Committee – 2009-10

NCAA Subcommittee on Governance and Commitment to Rules Compliance (Athletics Certification Self-Study) – 2007-08

Student-Athlete Financial Aid Appeals Committee – 2014-15, 2011-12, 2010-11, 2009-10

University Faculty Senate – 2010-11

University Faculty/Staff Appeals Committee – 2010-11 (Chair)

University Graduate Council – 2015-16, 2014-15, 2013-14, 2012-13, 2011-12, 2010-11

Law School Service

Ad Hoc Committee on Disciplinary Policy – 2007-08

Ad Hoc Committee on Law School Rankings – 2010-11, 2007-08

Ad-Hoc Student-Faculty Committee Regarding the Law School Student Non-Academic Misconduct Policy – 2008-09 (Chair)

Admissions Committee – 2010-11 (Chair), 2009-10 (Chair), 2008-09, 2007-08

Admissions and Scholarships Committee – 2015-16, 2014-15 (Chair); 2013-14 (Chair)

Alumni Relations and Outreach Committee – 2015-16

Budget Advisory Committee – 2011-12

Faculty Advisor, Environmental Law Society – 2007-present

Faculty Appointments Committee – 2012-13 (Chair)

Law School Career Services Director Search Committee – 2007-08

Law School Representative, AALS House of Representatives – 2014 (Annual Meeting -- New York City), 2011 (Annual Meeting – San Francisco), 2010 (Annual Meeting – New Orleans), 2009 (Annual Meeting – San Diego)

Scholarships Committee – 2009-10, 2008-09

Speakers Committee – 2011-12

Strategic Planning Drafting Committee – 2015-16

Strategic Planning Research Group – 2015-16

Teaching and Service at University of Memphis School of Law (2001-07):

Courses Taught

Contracts I – 2006-07, 2002-03, 2001-02

Contracts II – 2006-07, 2002-03, 2001-02

Environmental Law – 2006-07, 2005-06, 2004-05, 2003-04, 2002-03, 2002 (summer), 2001-02

Environmental Law Seminar – 2006-07, 2002-03

Environmental Torts – 2007 (summer), 2006 (summer), 2005-06, 2005 (summer), 2004-05

Torts I – 2005-06, 2004-05, 2003-04

Torts II – 2005-06, 2004-05, 2003-04

Community Service

Board of Directors, Memphis Bar Association – 2007, 2006, 2005

Academic Discipline Service

Judge, National Environmental Law Moot Court Competition, Pace University School of Law, February 2003

University Service

Academic Freedom and Responsibility Committee – 2005-06, 2004-05

Senate Academic Policies Standing Committee – 2005-06

Senate Committee on Committees – 2006-07, 2004-05

Senate Library Policies Standing Committee – 2003-04

University Faculty Senate – 2006-07, 2005-06, 2004-05, 2003-04

University Task Force on Academic Integrity – 2005-06

University Task Force on Interdisciplinary Research and Teaching – 2005-06, 2004-05

Law School Service

Ad Hoc Committee on Alternative Admissions – 2006-07 (Chair), 2004-05

Admissions Committee – 2006-07, 2005-06, 2004-05, 2003-04, 2002-03

Faculty Advisor, Environmental Law Council – 2001-07

Faculty Judicial Clerkships Advisor – 2006-07, 2005-06

Faculty Recruiting Committee – 2005-06, 2004-05

Teaching Assignments Committee – 2006-07, 2003-04