

# DR. DAVID W. CASE

Professor of Law

Butler, Snow, O'Mara, Stevens & Cannada Lecturer in Law

University of Mississippi School of Law

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## Academic Appointments:

- 2015-date: Professor of Law, **University of Mississippi**
- Butler, Snow, O'Mara, Stevens & Cannada Lecturer in Law (2025-date)
  - Mississippi Defense Lawyers Association Distinguished Lecturer (2015-2025)
- 2007-15: Associate Professor of Law, **University of Mississippi**
- Jessie D. Puckett, Jr. Lecturer (2013-15)
  - with tenure since 2009
- 2002-07: Assistant Professor of Law, **University of Memphis**
- 2001-02: Visiting Assistant Professor of Law, **University of Memphis**
- 1998-2001: Bridgestone Americas Fellow in Environmental Management, **Vanderbilt University**  
Senior Research Associate, Vanderbilt Center for Environmental Management Studies

## Education:

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

Master of Laws (LL.M.), **Columbia University in the City of New York** (May 1993)

Juris Doctor (J.D.), *cum laude*, **University of Mississippi** (May 1988; class rank – 5<sup>th</sup>)

- Phi Kappa Phi
- *Mississippi Law Journal* – Associate Editor-in-Chief/Comments (Vol. 57); Research Editor (Vol. 56)
- Chair, Law School Student Body Honor Council

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

## Judicial Clerkships:

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

Law Clerk to 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 (1988-91, 1994-95) (Practice areas: construction contracting and litigation, construction surety, fidelity and surety)

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

Member of the Mississippi Bar and Licensed in Mississippi since September 19, 1988 (on inactive status)

### **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, U.S. District Judge for the Eastern District of New York)

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

### **Awards:**

Mississippi Business Journal Leadership in Law in Mississippi Award Class of 2019

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:**

### **Books**

MISSISSIPPI REAL PROPERTY LAW AND PRACTICE (LexisNexis Matthew Bender, 2025 Edition)

*Updated and republished annually as* MISSISSIPPI REAL PROPERTY LAW AND PRACTICE (LexisNexis Matthew Bender, 2026 Edition (forthcoming))

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)

### **Journal Articles**

*A Pedagogical Rationale for the Law Professor as Moot Court Coach*, 89 MISS. L.J. 367 (2020)

*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)

### **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) (Dr. Mark A. Cohen, Committee Chair)

### **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 Professor Deborah Hodges Bell*, 93 Miss. L.J. 579 (2024)

*Tribute to Professor George C. Cochran*, 85 Miss. L.J. 991 (2017)

*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, "The Essential Role of Moot Court in Legal Education," Up Front: Virtual Talks with UM Experts, Law Alumni Chapter – Ole Miss Alumni Association, October 2020

Presentation, "Groundwater Wars: Mississippi v. Tennessee," American Bar Association Section of Environment, Energy and Resources Environmental Policy Symposium, Shifting Policies for a Shifting Environment, University of Mississippi School of Law, March 2018

Panelist, "The Environment: Where Do We Go From Here?," 2017 Race and Sustainability Conference (Vulnerability, Historical Memory, and Healing), University of Mississippi School of Law, March 2017

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," 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," 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

**Moot Court Coach, 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 (2008-2018)**

**National Champion** (2016, 2015, 2014, 2012, 2011)

**Best Brief Award** (2017, 2016, 2012, 2011)

**National Semifinalist** (2018, 2017, 2010)

**National Quarterfinalist (2013)**

**Participant (2009)**

**University of Memphis School of Law (2001-2007)**

**National Finalist (2007)**

**National Semifinalist (2005, 2004)**

**National Quarterfinalist (2006, 2002)**

**Participant (2003)**

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

**Courses Taught**

**Law School**

Administrative Law – 2024-25, 2023-24, 2022-23, 2021-22, 2020-21, 2019-20, 2018-19, 2017-18, 2016-17, 2015-16, 2014-15, 2013-14, 2012-13, 2010-11, 2008-09, 2007-08

Civil Procedure (4) – 2024 (summer), 2023-24, 2023 (summer)

Civil Procedure I (3) – 2022-23, 2022 (summer), 2021-22, 2021 (summer), 2020-21, 2020 (summer), 2019 (summer), 2018 (summer), 2016 (summer), 2015-16

Civil Procedure II (3) – 2022-23, 2021-22, 2017-18, 2017 (summer), 2016-17, 2015 (summer), 2014 (summer), 2013 (summer), 2012 (summer), 2011 (summer), 2010 (summer), 2009 (summer), 2008 (summer), 2007 (summer)

Contracts (4) – 2024-25, 2023-24, 2022-23, 2021-22, 2020-21, 2019-20, 2018-19, 2017-18, 2016-17, 2015-16, 2014-15

Contracts I (3) – 2013-14, 2009-10

Contracts II (3) – 2013-14, 2009-10

Contract Negotiation and Drafting – 2024-25, 2023-24, 2022-23, 2021-22, 2020-21, 2019-20, 2018-19, 2012-13

Environmental Law – 2024-25, 2019-20, 2018-19, 2016-17, 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

Property (4) – 2024-25, 2023-24, 2022-23, 2021-22, 2020-21, 2019-20, 2018-19, 2017-18, 2012-13, 2011-12, 2010-11, 2009-10, 2008-09, 2007-08

### **Sally McDonnell Barksdale Honors College**

Introduction to American Law and Reasoning (Hon. 350) – 2023-24, 2022-23, 2021-22, 2020-21, 2019-20, 2018-19, 2017-18, 2016-17, 2015-16, 2014-15, 2013-14

The Constitutional Convention of 1787 (Pol. Sci. 398) (joint with Dr. John Winkle) – 2018-19

### **Academic Discipline Service**

Mississippi Supreme Court Advisory Committee on Rules, 2017-date

Judge, Region VII of the National Moot Court Competition, University of Mississippi School of Law, November 2024

Judge, American Bar Association Law Student Division Regional Negotiation Competition, University of Mississippi School of Law, November 2022

Judge, Southern Classic Trial Advocacy Competition, University of Mississippi School of Law, February 2021

Academic Reading Group (University of Mississippi School of Law), American Bar Association Standing Committee on the Federal Judiciary, Report on the Nomination of Judge Amy Barrett to the U.S. Supreme Court for the Committee on the Judiciary of the U.S. Senate, October 2020

Planning Committee, American Bar Association Section of Environment, Energy and Resources Environmental Policy Symposium, Shifting Policies for a Shifting Environment, University of Mississippi School of Law, 2017-18

Editorial Board, *Sea Grant Law & Policy Journal* (publication of the National Sea Grant Law Center at the University of Mississippi), 2007-2015

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

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

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

### **University Service**

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



Faculty Senate – 2010-11

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

Faculty Senate Executive Committee – 2010-11

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

Graduate Council – 2019-20, 2018-19, 2017-18, 2016-17, 2015-16, 2014-15, 2013-14, 2012-13, 2011-12, 2010-11

Intercollegiate Athletics Committee – 2024-25, 2023-24, 2022-23, 2021-22, 2020-21, 2019-20, 2018-19, 2017-18, 2016-17, 2015-16, 2014-15, 2013-14, 2012-13, 2011-12, 2010-11, 2009-10, 2008-09, 2007-08

Law School Dean Search Committee – 2016-17, 2009-10

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

Student-Athlete Financial Aid Appeals Committee – 2020-21, 2014-15, 2011-12, 2010-11, 2009-10

### **Law School Service**

Ad Hoc Committee on Disciplinary Policy – 2007-08

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

Ad Hoc Committee on Tenure and Promotion Policy – 2021-22, 2016-17

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 – 2024-25 (Chair), 2023-24, 2021-22, 2020-21, 2019-20, 2018-19, 2017-18, 2016-17, 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-date

Faculty Appointments Committee – 2022-23, 2021-22, 2019-20, 2012-13 (Chair)

Honor Council Faculty Hearing Panel Review Committee – 2022-23

Law School Admissions Dean Search Committee – 2024-25

Law School Career Services Director Search Committee – 2007-08

Law School Representative, AALS House of Representatives – 2014 Annual Meeting, 2011 Annual Meeting, 2010 Annual Meeting, 2009 Annual Meeting

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, 2003 (summer), 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

**Academic Discipline Service**

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

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