

PATRICK CHARLES McGINLEY
Judge Charles H. Haden II Professor of Law
West Virginia University College of Law

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PRESENT POSITION

Judge Charles H. Haden II Professor of Law, West Virginia University College of Law

BAR ADMISSIONS

Supreme Court of Appeals of West Virginia

Supreme Court of Pennsylvania

United States Courts of Appeal For The Third and Fourth Circuits

United States District Courts: Western District of Pennsylvania; Northern and Southern Districts of W.Va.

EDUCATION

J.D. Duke University School of Law, (1971)

Honors: Editorial Board, Duke Law Journal; full scholarship recipient

A.B. Dickinson College, Carlisle, Pennsylvania, history, (1968).

Honors: Scholarship recipient, Dean's List.

EMPLOYMENT

Visiting Professor of Law, University of Oregon (Spring 1989 & Spring 2002)

Visiting Professor of Law, Indiana University (Indianapolis) (Summer 1989)

Special Assistant Attorney General, Commonwealth of Pennsylvania, Department of Environmental Resources, (1972-75)

Responsibilities:

Enforcement of state coal mine safety regulations and coal mining and reclamation laws, environmental laws and regulations; administrative adjudications, civil and criminal trial and appellate litigation.

Law Clerk to Justice Thomas W. Pomeroy, Jr., Supreme Court of Pennsylvania (1971-72)

Responsibilities:

Legal research and drafting of judicial opinions relating to a variety of legal issues including criminal law and procedure, busing to achieve racial balance, abortion, and sex discrimination, environmental law, property law, etc.

SERVICE/ACTIVITIES

Member, West Virginia University Faculty Senate (2001 to 2004; 2006 to present); Chair, Public Service Grants Committee (2002-2003).

Counsel, Daily Atheneum (West Virginia University Student Newspaper) 2005-present.

Chair, Association of American Law Schools, Section on Environmental Law (1993-94).

Trial and appellate litigation and consultation involving administrative, environmental, FOIA and mineral law issues in Ohio, West Virginia and Pennsylvania; United States District Courts and the United States Courts of Appeal for the Third, Fourth, Sixth and District of Columbia Circuits. Representative clients include, United Mine Workers of America; West Virginia Education Association; AFL-CIO (West Virginia); *West Virginia The Charleston Gazette*; Sierra Club; Audubon Society; Pennsylvania Federation of Sportsmen's clubs (National Wildlife Federation affiliate); New River Parkway Authority; West Virginia Highlands Conservancy; Western Pennsylvania Conservancy; Council of Senior West Virginians; West Virginia Wildlife Federation; City of Fairmont; City of Morgantown; coal companies, and mineral (coal, oil, and gas) owners; and numerous landowners, community organizations. Significant part of representation *pro bono publico*.

Consultant, Office of the Attorney General (West Virginia) (1994); Consultant, West Virginia Water Resources Board (State Agency charged with promulgating regulations under the West Virginia Water Pollution Control Act; Drafted N.P.D.E.S. regulations for Water Resources Board (1979-80).

Member, Department of Energy Advisory Board, West Virginia Division of Energy (Reconstituted as West Virginia Division of Environmental Protection Advisory Board, (1990-1994)) (Gubernatorial appointment).

Member, Ad Hoc Mining Legislation Committee, Pennsylvania Department Environmental Resources (1977-81). Committee drafted major amendments to Pennsylvania environmental and mining laws and regulations. Legislation enacted unanimously by Pennsylvania General Assembly.

Member, Research Committee Water Research Institute, Center for Appalachian Studies and Development, West Virginia University (1976-1980; 1986-1991).

Member, Coal Mining Advisory Committee, Pennsylvania Department Environmental Resources (1982-1984).

Chairman, American Bar Association--American Law Institute Course of Study, "Legal Issues in the Coal Industry" (1978-80).

Member of Board of Directors, Northern West Virginia Legal Aid Society (1979).

Member of Executive Committee, and Vice-President (Publications) Eastern Mineral Law Foundation (1981-1990, 1992 to 1994).

Trustee, Energy & Mineral Law Foundation (formerly Eastern Mineral Law Foundation) (1981-2002).

Co-Editor, Volumes 1-11 of *Eastern Mineral Law Institute* (1980-1990).

Editorial Board, *Kentucky Mineral Law Journal* (1984-1991).

Editorial Board, *Journal of Natural Resources and Environmental Law* (University of Kentucky College of Law, 1991-1996).

Advisory Board, National Coal Issue, *West Virginia Law Review* (1979-Present).

Advisory Board, Environmental Public Advocacy Project, American Bar Association Central & Eastern European Law Initiative ("CEELI") (1995-1999).

Advisor, ECO-PRAVO LVIV (Public Interest Environmental Advocacy Organization, Lviv, Ukraine (1994 - 2004)).

AWARDS

Trial Lawyers For Public Justice Foundation:

2000 Public Justice Achievement Award for "winning exceptional victories for the public interest."

Oregon Public Interest Law Conference:

Cary Rydberg Award for "Outstanding Contributions to Public Interest Advocacy." (1998)

West Virginia University College of Law:

College of Law Scholar Award for “distinguished scholarship.”

Environmental Policy Institute:

"To Patrick C. McGinley for your tireless efforts to promote and uphold the rights of the land, the people of America's coalfields and the law protecting them." (1987).

Morgantown (West Virginia) *Dominion Post*:

“One Hundred Most Influential People” (in the community). (2001).

OTHER PUBLIC SERVICE & PUBLIC INTEREST ACTIVITIES

Chair, first continuing legal education program televised nationally to remote sites (ALI-ABA Course of Study: Legal Issues in the Eastern Coal Industry) (1980).

Conceptualized and served as faculty advisor, National Coal Issue of The West Virginia Law Review.

Conceptualized and Chair, first national continuing legal education program on Legal Issues in the Coal Industry.

Conceptualized and Founder Eastern Mineral Law Foundation (now Energy and Mineral Law Foundation).

Conceptualized and Co-Editor, Coal Law & Regulation (Mathew Bender & Company, 1984) (Five Volume Treatise).

Counsel *Bragg v. Robertson*, 54 F.Supp.2d 653 (S.D.W.Va. 1999), first case to force significant changes in permitting of mountaintop removal coal strip mines.

Counsel in *Adkins v. Paige*, case settlement forced significant changes in the manner reserve coal holdings taxed in West Virginia.

Chair, Environmental Law Section, Assn. of American Law Schools Annual Meeting: First National Legal Education Conference Addressing Environmental Justice Issues.

Counsel, *Daily Gazette Co., Inc. v. West Virginia Development Office*, 482 S.E.2d 180 (W.Va.1996), landmark West Virginia case setting standards for State Government disclosure of information pursuant to West Virginia Freedom of Information Act.

Counsel, *West Virginia Highlands Conservancy v. Norton*, 137 F.Supp.2d 687 (S.D.W.Va. 2001). Case forced State Legislature to enact legislation generating tens of millions of dollars for abandoned coal mine reclamation.

CONTINUING LEGAL EDUCATION

Chair, American Law Institute - American Bar Association Course of Study: *Legal Issues in the Coal Industry*, (Washington, D.C., May, 1998).

Chair, American Law Institute - American Bar Association Course of Study: *Legal Issues in the Coal Industry*, (Arlington, Va., June, 1979).

Co-Chair, American Law Institute - American Bar Association Course of Study: *Legal Issues in the Eastern Coal Industry*, (Lexington, Ky., June, 1980). FIRST CONTINUING LEGAL EDUCATION PROGRAM TELEVISION BROADCAST NATION-WIDE TO REMOTE CITIES.

Co-Chair, American Law Institute - American Bar Association Course of Study: *Legal Issues in the Western Coal Industry*, (Denver, CO., March, 1980).

Chair, Eastern Mineral Law Foundation, *Oil and Gas Special Institute*, (November, 1981).

Program Chair, WVU College of Law: *A Discussion of Public Corruption*, (1990).

Chair, American Association of Law Schools Annual Meeting, Section of Environmental Law, *Environmental Justice in the Classroom and Courtroom*, (Orlando, FLA, January, 1992).

Co-Chair, Environmental Justice/Racism Workshop, Society of American Law Teachers Annual Meeting (University of Minnesota, Minneapolis, MN, September, 1994)

INTERNATIONAL EXPERIENCE

Consultations with Ecological Section, U.S.S.R. Institute of State and Law (1989).

Lecturer, Mining and Environmental Law, Donetsk State University, Donetsk, Republic of Ukraine (1991).

Invited Expert, Regulation of Environmental Impact of Coal Mining; United Nations Interregional Symposium on "Management of the Economic and Environmental Aspects in the Coal Industry" (Prague, Czechoslovakia) (October, 1991).

Facilitator and Presenter, Workshop for Eastern European Environmental Law Lawyers, American Bar Association Central and Eastern European Law Initiative ("ABA-CEELI"), (Matrahaza, Hungary, 1997)

Facilitator and Presenter, American Bar Association Central and Eastern European Law Initiative (CEELI) Environmental Public Advocacy Workshop For Community lawyers, Guta, Ukraine (June, 1999).

Invited Participant and Facilitator, USEPA International Conference on Environmental Enforcement, Chaing Mai, Thailand. (1997)

Seminar Facilitator: Annual Conference, Environmental Law Advocates Worldwide ("ELAW"), Arusha, Tanzania. (2000).

Facilitator, International Conference of Public Interest Environmental Lawyers (“ELAW”) (Lavske, Lviv Region, Ukraine, May, 2004).

Seminar Facilitator: Annual Conference, Environmental Law Advocates Worldwide (“ELAW”), Valparaiso, Chile (October, 2006).

Seminar Facilitator: Annual Conference, Environmental Law Advocates Worldwide (“ELAW”), Mombasa, Kenya (October, 2006).

PUBLICATIONS

Editor:

Editor, 3rd -11th Volumes: ANNUAL INSTITUTES, Eastern Mineral Law Foundation (1982-1990) (w/ Fox).

Editor, SECOND ANNUAL INSTITUTE, Eastern Mineral Law Foundation (1981) (with Fox and Friedberg.)

Editor, FIRST ANNUAL INSTITUTE, Eastern Mineral Law Foundation (1980) (with Fox.)

Editor, COAL LAW AND REGULATION (5 Volume Treatise, Matthew Bender & Co. 1983) (with Vish)

Articles and Book Chapters

Tapping Officials' Secrets, The Door to Open Government in West Virginia, TAPPING OFFICIALS' SECRETS, THE DOOR TO OPEN GOVERNMENT IN THE 50 STATES AND DISTRICT OF COLUMBIA, (The Reporters Committee on Freedom of the Press) (5th Ed. 2006).

West Virginia Water Law, Chapter in 6 WATER AND WATER RIGHTS, (2005).

Environmental Justice in the Coalfields: From Pick and Shovel to Mountaintop Removal, 34 ENTL LAW 21 (2004). (Reprinted in LAND USE AND ENVIRONMENTAL LAW REVIEW (2005-2006)).

Tapping Official Secrets, The Door To Open Government in West Virginia; Chapter in: TAPPING OFFICIAL SECRETS, THE DOOR TO OPEN GOVERNMENT IN THE FIFTY STATES & D.C. (Reporters' Committee For Freedom of the Press, 5th Ed. 2001). (pp. wv 1-33).

Separation Of Powers, State Constitutions, And The Attorney General: Who Represents The State? 99 W.V.L.Rev. 722-768 (1997).

The Surface Mining Control And Reclamation Act of 1977: new Era of Federal-State Cooperation or Prologue to Future Controversy? 16 EASTERN MINERAL LAW FOUNDATION INSTITUTE, Chapter 11 (pp. 1-42 (1996)(with D. Michael Miller and G. Milton McCarthy).

Environmental Justice and Racism: Making The Connection In Classrooms And Courtrooms, 96 W.Va.L.Rev. 1017-1023 (1994).

Universal Statutes and Planetary Programs: How EPA Has Diluted The Clean Water Act, 8 J. Envtl. L. & Litig. 253 (1993).

Trashing the Constitution: Judicial Activism, the Dormant Commerce Clause, and the Federalism Mantra, 71 U. Oregon L. Rev. 409 (1992).

Regulation of the Environmental Impacts of Coal Mining in the United States: Market Economics, Cost Benefit Analysis and Mistakes of the Past, 16 United Nations' Natural Resources Forum 261-270. (1992).
Of Pigs and Parlors: Regulatory Takings in the Coalfields, 5 *Journal of Mineral Law and Policy* 473-527 (1990).

DEFENDING OUR NATIONAL PARKS, (Island Press, 1988) (Chapter 18, pp 465-498). Chapter examines mining laws' impact on National Parks and rights of citizens under federal law to seek protection for the Parks.

Regulation of Oil and Natural Gas Exploration, Development, and Production Wastes Under the Resource Conservation and Recovery Act, 8 EASTERN MIN. L. INST., Ch. 17 (1987).

Pandora in the Coal Fields: Environmental Liabilities in the Acquisition and Disposition of Coal Properties, 87 W. Va. L. Rev. 665-685 (1985).

Does the Right to Mine Coal Under Lease or Deed Include the Right to Extract by Longwall Mining Methods? 5 EASTERN MIN. L. INST. CH. 5 (1985).

Regulatory "Takings": The Remarkable Resurrection of Economic Substantive Due Process Analysis in Constitutional Law, 17 Envtl. L. Repr. 10369 (September 1987). Reprinted in: 1988 Zoning and Planning Law Handbook at 337-369 (Clark Boardman Company).

Federalism Lives! Reflections on the Vitality of the Federal System in the Context of Natural Resource Regulation, 32 U. Kan. L. Rev. 147 (1983).

Pennsylvania Coal Company v. Mahon" Revisited: Is the Federal Surface Mining Act a Valid Exercise of the Police Power or an Unconstitutional Taking? 16 Tulsa L. Rev. 418-452 (1981).

The Commerce Clause and the Tenth Amendment at Odds: Can the Federal Surface Mining Act Survive National League of Cities, 8 N. Ken. L. Rev. 107-119 (1981).

Recent Developments in Oil and Gas Law, 2 EAST. MIN. L. INST., Chap. 17 (1981).

Acid Coal Mine Drainage: Past Pollution and Current Regulation, 17 Duq. L. Rev. 67-97 (1979). Reprinted in 16 THE PUBLIC LAND AND RESOURCES LAW DIGEST, 319-345 (1979).

"Vermont Yankee" & the Evolution of Administrative Procedure, 1 Miss. Coll. L. Rev. 257-270 (1979).

Legal Problems Relating to Ownership of Gas Found in Coal Deposits, 80 W. Va. L. Rev. 369-395 (1978).

Reprinted in 16 THE PUBLIC LAND AND RESOURCES LAW DIGEST, 288-318 (1979).

The "Four Corners" Requirement: A Constitutional Prerequisite to Search Warrant Validity, 31 Okla. L. Rev. 289-317 (1978).

Prohibition of Surface Mining in West Virginia, 78 W. Va. L. Rev. 445-474 (1976).

West Virginia Rights in Potomac Waters, LEGAL RIGHTS IN POTOMAC WATERS, 132-168 (Interstate Commission on the Potomac River Basin, 1976).

Miscellaneous Publications

Book Review, ENVIRONMENTAL REGULATION OF COAL MINING - SMCRA'S SECOND DECADE, 3 Virginia Coal and Energy Journal 119-124, (June 1991).

Book Review, 89 W. Va. L. Rev. 795 (1987) (*reviewing*, D. Short & R. Thomas eds., KENTUCKY MINERAL LAW (1986)).

Book Review, THE IMPEACHMENT AND TRIAL OF ANDREW JACKSON, 12 Duq. L. Rev. 722-730 (1974).

Is Section 1981 Modified by Title VII of the Civil Rights Act of 1964?, 1970 Duke L. J. 1223-1238.

Federal Administrative Law Developments, 1969, 1970 Duke L. J. 177-187.

United States v. Martin Linen Supply Co., PREVIEW OF UNITED STATES SUPREME COURT CASES , 1976-1977 Term., (American Association of Law Schools/ALI-ABA Committee on Continuing Legal Education) (March, 1977).

What is the Scope of Judicial Review of Administrative Agency Action at the Frontiers of Science?" analyzing: Vermont Yankee Nuclear Power Corporation v. Natural Resources Defense Council, Inc. 1978-79 SUPREME COURT PREVIEW . (American Association of Law schools/ALI-ABA Committee on Continuing Legal Education) (October, 1977).

Whether the Carey Act Requires the Secretary of the Interior to Indefinitely Reserve from Appropriation for Other Public or Private Uses Approximately 2.4 Million Acres of Desert Land in Idaho Subject to the State's Eventual Selection of Any or All of That Acreage for Irrigation and Reclamation Pursuant to the Act? PREVIEW OF UNITED STATES SUPREME COURT CASES , 1979-1980 Term. (American Association of Law schools/ALI-ABA Committee on Continuing Legal Education) (February, 1980).

"To Defer or Not to Defer: When Must a Court Honor an Administrative Agency's Interpretation of Its Own Regulations?" analyzing Donna E. Shalala, Secretary of Health and Human Services v. Guernsey Memorial Hospital, 1994-95 SUPREME COURT PREVIEW 54. (Am. Bar Assn. Division for Public Education) (October 21, 1994).

"Does an Administrator's General Interest in Fulfilling Her Duties Meet the Constitution's Requirements for Seeking Judicial Review of a Decision She Doesn't Like?" analyzing Director, Office of Workers'

Compensation Programs, U.S. Department of Labor v. Newport News Shipbuilding and Dry Dock Co., 1994-95 SUPREME COURT PREVIEW 152 (Am. Bar Assn. Division for Public Ed.) (Dec. 22, 1994) .

Land Use Regulation and the Takings Clause: How Much Use Must an Owner Lose Before Being Entitled to Compensation Because the Government Has Taken the Property?" analyzing Bernadine Suitum v. Tahoe Regional Planning Agency 1996-97 SUPREME COURT PREVIEW 335 (Am. Bar Assn. Division for Public Education) (February 6, 1997).

MSHA 20 psi Seal Standard / Report of Investigation 7581, (Wheeling Jesuit University, June, 2006) (Prepared for: "The Sago Mine Disaster Report" <http://www.wju.edu/sago/>).

Thinking Outside-the-Box: The Proposed Blended Duty of Care and Safety Case Model for Regulation in the Coal Mining Industry of Australia, (Wheeling Jesuit University, July 2006) (Prepared for: "The Sago Mine Disaster Report" <http://www.wju.edu/sago/>).

SELECTED PUBLIC PRESENTATIONS

West Virginia Rights in Potomac Waters, Conference on Water Law in the Potomac River Basin, Interstate Commission on the Potomac River Basin (Harper's Ferry, W.Va., 1976).

Legal Problems in Perspective, University of Pittsburgh, School of Engineering, Seminar on The Surface Mining Control and Reclamation Act of 1977 (Pittsburgh, Pa. December, 1977).

Legal Problems Relating to Ownership of Gas Found in Coal Deposits, ALI-ABA Course of Study, Legal Issue in the Coal Industry, pp. 77-111 (Washington, D.C. 1978).

Methane Gas in Coal Deposits: Legal Issues, U. of Ky. Mineral Law Symposium (October, 1978).

Extracting Methane Gas from Coal Deposits, National Coal Association, Coal Lawyer's Conference, (Scottsdale, AZ., October, 1978).

Constitutionality of Section 522 of the Federal Surface Mining Act, University of Kentucky, College of Law, Mineral Law Seminar (October, 1979).

Designation of Lands Unsuitable for Mining: A Review of the Constitutional Sources of Power to Declare Lands Unsuitable for Mining and Remedies, (Arlington, Va., June 1979).

Designation of Land Unsuitable for Coal Mining, 1980 ALI-ABA Course of Study, Legal Issues in the Western Coal Industry (Denver, Colo., March, 1980).

Citizens Suits Under Selected Environment Laws, ALI-ABA Course of Study, Legal Issues in the Eastern Coal Industry, (Lexington, Ky., June, 1980).

Designation of Lands Unsuitable for Surfacing Mining, U. of Ky., Mineral Law Symposium (Lexington, Ky., October, 1980).

Federalism or De-federalism? Rocky Mountain Mineral Law Foundation, Natural Resources Law Teachers Conference, (Boulder, Colo., 1983).

Environmental Considerations in Coal Mining Acquisitions and Dispositions, E. Min. Law Foundation Special Inst. (with Webber) Pittsburgh, Pa., (December, 1983).

The Pit and the Pendulum, Administration and Enforcement of the Federal Surface Mining Control and Reclamation Act, Rocky Mountain Mineral Law Foundation, Natural Resource Law Teachers Conference (May, 1985).

Constitutionality of Valid Existing Rights Provisions of SMCRA, Symposium on Valid Existing Rights, U.S. Department of the Interior, (Washington, D.C., April, 1990)

Regulation of Acid Coal Mine Drainage under the Clean water Act and the SMCRA, University of Kentucky, Mineral Law Center, Eighth Annual Current Environmental and Natural Resources Issues Seminar,(April, 1991).

Environmental Regulation of Coal Mining in the United States, United Nations' "Interregional Symposium on Management of Economic and environmental Aspects in the Coal Mining Industry,"(Prague, Czechoslovakia, October, 1991).

What is Environmental Justice? Society of Environmental Journalists, Regional Conference, (Columbus, Ohio, March 1993).

Federal and State Laws Regulating the Generation, Transportation and Disposal of Hazardous Wastes, University of Akron School of Law, Hazardous Waste Symposium (Akron, OH, April, 1993).

Liabilities for Hazards and Unperformed Reclamation, Special Institute on the Federal Mining Control and Reclamation Act ("SMCRA"), U.S. Department of the Interior, Office of Surface Mining and the eastern Mineral law Foundation (Washington, D.C., January, 1994).

Enforcement of Environmental Laws Related to Coal Mining, Eastern Mineral law Winter Special Institute, (Sanibel Island, Fla., February, 1994).

Mining Law and Environmental Justice, 15th Annual Public Interest Environmental Law Conference, University of Oregon (Eugene, Oregon, March 1994).

Environmental Justice Issues in Appalachia, Environmental Justice/Racism Workshop, Society of American Law Teachers, University of Minnesota School of Law,(Minneapolis, MN, 1994).

Primacy Under SMCRA: An Environmental Public Interest Perspective, 16th Annual Mineral law Institute (Nashville, TN, June, 1995).

Using the West Virginia Freedom of Information Act, West Virginia Press Association Seminar on "Public Access to Government," Charleston, West Virginia (February, 1996).

Environmental Justice and Human Rights, Annual Public Interest Law Conference, University of Oregon, Eugene, Oregon (March, 1996).

Environmental Justice and the SMCRA: Promises Kept & Promises Broken, Colloquium on SMCRA: A Twenty Year Review, University of Southern Illinois, School of Law (Carbondale, IL. September, 1997).

Facilitator and Presenter, Annual Meeting of Environmental Law Advocates Worldwide (“ELAW”), Coastal Range Conference Center, Oregon. (March, 1997).

DEP Enforcement, West Virginia Division of Environmental Protection, Environmental Advocate Program, West Virginia Capitol Complex, Charleston West Virginia (August, 1997).

Coalfield Citizens’ Rights Under The Federal Surface Mining and Reclamation Act, United States Department of the Interior, Office of Surface Mining, Annual Regional Staff Conference, Ashland, KY. (September, 1997).

Public Participation Under the SMCRA, Federal Coal Symposium, United States Department of the Interior, Office of Surface Mining, (Washington, D.C., January, 1998).

Mountaintop Removal Mining and the Federal Surface Mining Control & Reclamation Act of 1977,” 16th Annual Public Interest Environmental Law Conference, University of Oregon, (March, 1998).

Ethics and Mineral Law,” Eastern Mineral Law Annual Institute, Lexington, Kentucky (May, 1998).

Regulation of Mountaintop Removal Coal Mining, Joint University of Kentucky\Eastern Mineral Law Annual Conference on Environmental Law (October, 1998).

Alternatives to Traditional Clinical Education in Environmental Law Teaching, Association of American Law Schools Annual Meeting, New Orleans, LA (January, 1999).

Mountaintop Removal, Appalachian Studies Association Conference. (Abingdon, Va., March 1999.)

Law, Myth & Folklore of Agency Expertise & A.L.J. Credibility Findings: An Examination and Critique of Principles Guiding Judicial Deference, National Association of Administrative Law Judges Annual Conference (Wintergreen, VA, October 2000).

FOIA Update: Access to Public Records after 9-11 & FOIA Workshop, Society of Environmental Journalists 13th Annual Meeting, Tulane University (New Orleans, LA, September, 2003).

Environmental Law Citizen Suits, University of Oregon, Public Interest Environmental Law Conference, Eugene, Oregon (March, 2004).

Training Workshop on the Clean Water Act, United States Army Corps of Engineers, Virginia Beach, Va. (June 9-14, 2003).

Breakfast With the FOIA Lawyer, Society of Environmental Journalists 14th Annual Meeting,, University of Pittsburgh (Pittsburgh, PA, September, 2004).

Lunch With the FOIA Lawyer, Society of Environmental Journalists 15th Annual Meeting, University of Texas (Austin TX, October, 2005).

Mountaintop Removal Coal Mining, Appalachian Studies Program, Morehead State University (Ky) Forum on Mountaintop Removal Mining (Morehead, Ky, April, 2006).

The Media and the Courts: Justice Black's Television Interview, Judges and Journalists Workshop, Donald W. Reynolds National Center for the Courts and Media (Wheeling, WV, October, 2006).

Lunch With the FOIA Lawyer, Society of Environmental Journalists 16th Annual Meeting, University of Vermont & Vermont Law School (Burlington, VT, October, 2006).

Pits and the Pendulum: Mine Safety Law Enforcement and Behavior Modification in American Coal Mines, West Virginia University Symposium on Coal Mine Health & Safety ("Thinking Outside of the Box: A Post-Sago Look at Coal Mine Safety") (Morgantown, WV, November, 2007).

TESTIMONY: LEGISLATIVE HEARINGS

Commonwealth of Pennsylvania Joint House-Senate Committee on Energy, the Environment and Natural Resources (Testimony at Hearing on Coal Mine Permitting Process) (Pittsburgh, Pa., April, 1979).

Commonwealth of Pennsylvania Joint House-Senate Committee on Mining Legislation (Testimony on Proposed Amendments to Pennsylvania Clean Streams law, Bituminous Coal Surface Mining Act, Solid Waste management Act and Bituminous Coal Mine Subsidence Act) (Harrisburg, PA, September, 1980).

100th Congress, Unites States House of Representatives, Committee on Interior and Insular Affairs, subcommittee on Energy and the Environment. (Testimony on Enforcement of Federal Surface Mining Control and Reclamation Act of 1977 in Appalachian Coal Producing States) (Washington, D.C., February 1987).

100th Congress, United States Senate, Committee on Energy and Natural Resources: Subcommittee on Mineral Resources Development and Production hearings on S. 2089, to provide for certain requirements relating to the conversion of oil shale mining claims located under the General Mining Law of 1872 to leases, and H.R. 1039, to prohibit the issuance of patents for oil shale claims after a specified date, (April 22, 1988; pages D469 - D477) (Bound vol. D239- D242) .

LAW SCHOOL COURSES TAUGHT

Advanced Appellate Advocacy (Seminar)
Environmental Litigation (Seminar)
Legal Issues in the Coal Industry (Seminar)
Litigation in the U.S. Supreme Court (Seminar)
Environmental Justice (Seminar)
Public Access to Information Seminar
Administrative Law
Constitutional Law
Criminal Law

Contracts
Civil Procedure
Natural Resources Law
Environmental Law
Appellate Advocacy
Land Use Planning
Local Government Law
Water Law

REFERENCES AVAILABLE UPON REQUEST