

RESUME

WILLIAM V. LUNEBURG

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Personal Data: Date of Birth - June 9, 1946
New York City, New York
Married, two children

EDUCATION

Harvard Law School
Cambridge, Massachusetts
Degree: J.D., June, 1971
Activities: Legal aid work (including domestic relations and landlord/tenant problems) at Cambridge Legal Services, Inc., during the academic years 1969-71.

Carleton College
Northfield, Minnesota
Degree: B.A., June, 1968
Major: Political Science
Honors: Phi Beta Kappa, magna cum laude, distinction in comprehensive examination in major; distinction in major field.

EMPLOYMENT

September 1978-present Assistant (1978-81), Associate (1981-85) and, since 1985, Professor of Law, University of Pittsburgh, School of Law.

Courses Taught: Legal Process, Civil Procedure, Civil Procedure II (advanced civil procedure), Complex Litigation, Administrative Law, Presidential Power, Legislation, Conflicts of Law, Environmental Law, International and Comparative Environmental Law, Environmental Economics and Law, Litigation with the Federal Government, Civil Enforcement of Federal Environmental Law, and Faculty Advisor (1980-97) to the Externship Program.

Other Positions: Director, Environmental Law, Science and Policy Certificate Program (2001-02)

Law School Committees: Library (1979-80); Admissions (1980-84; 1985, Chair); Ad Hoc Committee on Part-time Legal Education; Committee on Clinic (Chair, 1989-91; 1991-92; 1993-94; Chair, 1994-95; 1996-97; 2001-2002; Chair, 2003-4; 2004-5); Steering (1983-84; 1987-88; 1991-2, Chair; 2004-6); Curriculum (1984-85; 1987-88, Chair; 1992-93, Chair; 1998-2000, Chair; 2000-2001; 2001-2002, 2005-6; 2006-7, 2007-8 Chair, 2008-9); Colloquium (1986-87, Chair; 1997-1998); Placement (1987-88, 1997-98, 2003-4); Petitions (1989); Member, Dean Search Committee (1993-94); Committee on Law School's Environmental Program (1995-1996, Chair); Writing Awards (1996, Chair).

Other Activities: Team Leader, Intensive Course in Trial Advocacy (Summers - 1981, 1983, 1985, 1988, 1990, 1991, 1992); Member and Chair, (1986-87) University of Pittsburgh Senate Organization and Procedures Committee.

September 1977
to June 1978

Bigelow Teaching Fellow and Lecturer-in-Law. The Law School, University of Chicago. Teaching first-year course in Legal Research and Writing.

August to
December 1977

Conducted research on intergovernmental problems which arose in connection with the Clean Air Amendments of 1970 and the modifications to that statute enacted by Congress in 1977; research was funded in part by a stipend from the Law School of the University of Chicago; research published as The National Quest for Clean Air 1970-1978: Intergovernmental Problems and Some Proposed Solutions, 73 NW. U.L. REV. 397 (1978); reprinted in 1979 LAND USE & ENVIR. L. REV. 317 (F. Strom ed.).

April 1974
to July 1977

Associate with the law firm of Tenney & Bentley, Suite 2000, 69 West Washington Street, Chicago, Illinois. I specialized in the area of civil litigation, though I also had experience in corporate, tax, probate, family law and environmental law areas.

July 1971
to March 1974

Attorney in the Enforcement Divisions, in Region I (New England) and Region V (Midwest), of the United States Environmental Protection Agency, specializing in air pollution control and pesticide regulation. The work involved, inter alia, developing enforcement cases from the initial gathering of evidence to the issuance of the administrative order, along with some litigation experience. I also worked with state and local pollution control agencies to improve their enforcement programs and drafted various air pollution and pesticide regulations.

Summer of 1970

Staff Assistant, Cambridge Legal Services, Inc., Cambridge, Massachusetts. Handled various domestic relations and landlord-tenant problems and also supervised summer interns in such work.

PROFESSIONAL
MEMBERSHIPS

Member, Bar of the Supreme Court of the United States (admitted 1998);
Massachusetts Bar (admitted November, 1971); Illinois Bar (admitted

AND ACTIVITIES

October, 1974); Pennsylvania Bar (admitted December, 1995); also admitted to practice before the United States District Courts for those States and the United States Court of Appeals for the Third Circuit.

Chairman, AALS Section on Legislation (1987); Member, Executive Committee, AALS Section on Legislation (1984-91); Editor of Section Newsletter (1985-88).

Member, Nominating Committee, AALS Section on Conflicts of Law (1990).
Consultant, Federal Judicial Center, 1980-81.

Consultant, Administrative Conference of the United States (1986-95).

Member, American Law Institute (elected 1987).

Chair-Elect, ABA Section of Administrative Law and Regulatory Practice (2007-8)(Chair, 2009-10)

Member, Council, ABA Section of Administrative Law and Regulatory Practice (1992-95)

Chair, Legislative Process and Lobbying Committee, ABA Section of Administrative Law and Regulatory Practice (1997-98, 2003-7), Vice-Chair (2007-9).

Chair, Pro Bono Committee, ABA Section of Administrative Law and Regulatory Practice (2007-8)

Member, American Bar Association.

Vice-Chair and Chair (1988-92), Rulemaking Committee, ABA Section of Administrative Law and Regulatory Practice.

Vice-Chair (1996-97), Judicial Review Committee, ABA Section of Administrative Law and Regulatory Practice.

Member, Committee on Scholarship Award (1994-95), ABA Section of Administrative Law and Regulatory Practice.

Member, Nominating Committee (1991), ABA Section of Administrative Law and Regulatory Practice.

Member, Editorial Review Board, ABA LOBBYING MANUAL (1991-93) (for ABA Section of Administrative Law and Regulatory Practice).

Member, ALI Members Consultative Group, Restatement of the Law Governing Lawyers.

Member, ALI Members Consultative Group, Complex Litigation Project.

Member, ALI Members Consultative Group, Federal Judicial Code Revision

Member, AALS Committee on Government Relations (1991-94).

Member, Subcommittee for Ozone, Particulate Matter, and Regional Haze Implementation Programs (part of the EPA's Clean Air Act Advisory Committee) (1997).

Member, Air Quality Technical Advisory Committee, Pennsylvania Department of Environmental Protection (1997- 2001).

Board Member, Community Environmental Legal Defense Fund (2001-2008).

Advisory Board Member, Group Against Smog and Pollution (Pittsburgh)(2001-present)

Member, Committee on the Mississippi River and the Clean Water Act, National Research Council (2005-2007).

Liaison from the ABA Administrative Law and Regulatory Practice Section to ABA Task Force on Financial Markets Regulatory Reform (December 2008-present)

<http://www.abanet.org/dch/committee.cfm?com=CL116000>.

PUBLICATIONS

BOOKS

Environmental Law:

MISSISSIPPI RIVER WATER QUALITY AND THE CLEAN WATER ACT: PROGRESS CHALLENGES, AND OPPORTUNITIES (2007)(co-author)

http://books.nap.edu/catalog.php?record_id=12051

CLEAN AIR PERMITTING MANUAL (Shepard's/McGraw-Hill 1995) with James O'Reilly, Richard Ayres, Kim Burke and The S.M. Stoller Corporation. This book focuses in detail on all new source and operating permit programs under the Clean Air Act. Both federal and state law are covered.

1995 SUPPLEMENT to CLEAN AIR PERMITTING MANUAL (Shepard's/McGraw-Hill).

1996 SUPPLEMENT to CLEAN AIR PERMITTING MANUAL (Clark, Boardman, Callaghan).

Lobbying Law and Practice:

Editor and co-author of Chapters 2, 3, 4, and 5 of the American Bar Association's THE LOBBYING MANUAL: A COMPLIANCE GUIDE FOR LAWYERS AND LOBBYISTS (2d ed. 1998) and 1999-2000 Supplement.

Co-Editor (with Thomas Susman) and co-author of Chapters 2, 3, 4, and 5 of the American Bar Association's THE LOBBYING MANUAL: A COMPLETE GUIDE TO FEDERAL LAW GOVERNING LAWYERS AND LOBBYISTS (3d ed. (2005).

Co-Editor (with Thomas Susman and Rebecca H. Gordon) and co-author of Chapters 2, 3, 4, 5, 6, and 8 of the American Bar Association's THE LOBBYING MANUAL: FEDERAL LOBBYING LAW AND PRACTICE (tentative title)(4th edition)(forthcoming Summer 2009).

Update Website for the LOBBYING MANUAL (containing Interim Supplement to Chapters 3, 4 and 5 of the Lobbying Manual and various primary and secondary source materials)

<http://www.abanet.org/abapubs/lobbyingmanual/>

BOOK CHAPTERS The Legal Context of Environmental Protection in the United States in INTRODUCTION TO ENVIRONMENTAL EPIDEMIOLOGY (Talbot & Craun eds., 1995) (CRC Press, Inc.).

Environmental Law in the United States in Vol. 1 ENVIRONMENTAL MANAGEMENT IN PRACTICE/Instruments for Environmental

Management (Routledge) (Nath, Hens, Compton and Devuyt, eds.) (1998).

MAJOR ACTS OF CONGRESS (MacMillan Library Reference/Gale Group, Publisher)(B. Landsberg, ed.)(2003), author of entries dealing with the Civil Service Acts, the Hatch Act, the National Environmental Policy Act, the National Forest Management Act, the Federal Land Policy and Management Act, the Toxic Substances Control Act, and the Federal Tort Claims Act.

Lobbying, GOVERNING AMERICA PROJECT (Paul Quirk & William Cunion, eds.) (forthcoming 2009)

ARTICLES
AND REPORTS

Federal-State Interaction Under the Clear Air Amendments of 1970, 14 B.C. Ind. & Com. L. Rev. 637 (1973) (relied upon in *Train v. Natural Resources Defense Council*, 421 U.S. 60, n. 26 (1975).

Judicial Review Under the Clean Air Amendments of 1970, 15 B.C. Ind. & Com. L. Rev. 667 (1974) (co-author).

The National Quest for Clean Air 1970-1978: Intergovernmental Problems and Some Proposed Solutions, 73 Nw. U.L. Rev. 397 (1978); reprinted in 1979 LAND USE & ENVIR. L. REV. 317 (F. Strom ed.).

Specially Qualified Juries and Expert Nonjury Tribunals: Alternatives for Coping with the Complexities of Modern Civil Litigation, 67 Va. L. Rev. 887 (1981) (co-author) (research funded through a contract with the Federal Judicial Center; reprinted as a Report to the Federal Judicial Center).

Decisionmaking in Complex Federal Civil Cases: Two Alternatives to the Traditional Jury, *Judicature* (March - April 1982) (co-author).

Book Review: Legislative Law and Process: Cases and Materials (Hetzl), 57 N.Y.U. L. Rev. 212 (1982).

Justice Rehnquist, Statutory Interpretation, the Policies of Clear Statement, and Federal Jurisdiction, 58 Ind. L.J. 211 (1982).

Interest Analysis, Substantive Law-Making and the Multi-State Case, 46 Ohio St. L.J. 545 (1985).

The Opportunity to Be Heard and the Doctrines of Preclusion: Federal Limits on State Law, 31 Vill. L. Rev. 81 (1986).

Petitions for Rulemaking: Federal Agency Practice and Recommendations for Improvement (1986) (Report to the Administrative Conference of the United States which formed the basis for its adoption of Recommendation 86-6 relating to rulemaking petitions; reprinted in 1986 Reports and Recommendations of the Administrative Conference of the United States).

Nonoriginalist Interpretation: A Comment on Federal Question Jurisdiction and *Merrell Dow Pharmaceuticals, Inc. v. Thompson*, 48 U. Pitt. L. Rev. 757 (1987).

Contracting for Legal Services by the Federal Government: A Legal and Empirical Analysis (1987) (Report to the Administrative Conference of the United States which formed the basis for its adoption of

Recommendation 87-3 relating to agency hiring of private attorneys; reprinted in 1987 Reports and Recommendations of the Administrative Conference of the United States).

Report to Council, ABA Section of Administrative Law and Regulatory Practice (petitions for rulemaking) (1987) (unpublished).

Petitioning Federal Agencies for Rulemaking: An Overview of Administrative and Judicial Practice and Some Recommendations for Improvement, 1988 Wis. L. Rev. 1 (a substantially revised version of report to ACUS on same topic).

Contracting by the Federal Government for Legal Services: A Legal and Empirical Analysis, 63 Notre Dame L. Rev. 399 (1988) (an updated version of report to ACUS on same topic).

Judicial Review of Agency Statutory Interpretation: An Introduction, 2 Am. U. Ad. L.J. 243 (1988).

Chevron's Progeny, 13 ABA Admin. News No. 2 (1988).

Report to Council, ABA Section of Administrative Law and Regulatory Practice (nonlegislative rulemaking) (1988) (unpublished).

The Federal Personnel Complaint, Appeal, and Grievance Systems: A Structural Overview and Proposed Revisions, 78 Kent L.J. 1 (1989) (also published in 1989 Reports and Recommendations of the Administrative Conference of the United States).

Book Review: State and Federal Administrative Law (Bonfield & Asimow), 42 Ad. L. Rev. 113 (1989).

Retroactivity and Administrative Rulemaking, 1990 Duke L.J. 106.

Report to Council, ABA Section of Administrative Law and Regulatory Practice (Federal register publication of rulemaking impact analyses) (co-author) (1990) (unpublished).

Report to Council, ABA Section of Administrative Law and Regulatory Practice (retroactive legislative rulemaking) (1991) (unpublished).

Civic Republicanism, the First Amendment, and Executive Branch Policymaking, 43 Ad. L. Rev. 367 (1991).

The Office of Juvenile Justice and Delinquency Prevention's Formula Grant Program: A Regulatory Approach to Federal Grant-Making (with David M. Altschuler and Michael E. Bell, Johns Hopkins Institute for Policy Studies), A Report to the Administrative Conference of the United States in 1992 Reports and Recommendations of the Administrative Conference of the United States.

Federal Rulemaking at a Crossroads, 17 ABA Admin. News No. 3 (1992).

The Juvenile Justice and Delinquency Prevention Formula Grant Program: Federal-State Relationships in a Quasi-Regulatory Context (with David M. Altschuler), 6 Criminal Justice Policy Review No. 2, pp. 136-158 (1992) (also presented as a paper to the 44th Annual Meeting of the American Society of Criminology, New Orleans, November 1992).

The Office of Juvenile Justice and Delinquency Prevention's Formula Grant Program: Insights from Interdisciplinary Research Outside the Well-

Trodden Paths of Administrative Law (with David M. Altschuler and Michael E. Bell), 45 Ad. L. Rev. 225 (1993).

Reports to Council, ABA Section of Administrative Law and Regulatory Practice (preparation and review of regulatory impact analyses; executive oversight of agency rulemaking) (1991-92) (collaborator).

The Operating Permit Rules: Proposed Revisions to Part 70 and the Federal Specialty Permit Program for Early Reductions of Hazardous Air Emissions, 3 Shepard's Clean Air Act Reporter 191 (Dec. 1994).

Opting Into the Acid Rain Program, 4 Shepard's Clean Air Act Reporter 3 (May 1995).

Citizen Suit Enforcement of Permit Programs under the Clean Air Act, 6 Envir. Liability, Enforcement, & Permits, No. 1 (Nov. 1995).

Clearing Out the Administrative Underbrush: Air Pollution Control In An Era of Deregulation: Is It All Hot Air? (unpublished manuscript) (Nov. 1995).

Clean Air Implementation and the Impact of *Whitman v. American Trucking Associations*, 63 U. Pitt. L. Rev. 1 (2001).

Claim Preclusion As It Affects Non-Parties to Clean Air Act Enforcement Actions: The Ghosts of *Gwaltney*, 10 Widener L. Rev. 113 (2003)(part of a national symposium issue on citizen suits).

Where the Three Rivers Converge: Unassessed Waters and the Future of EPA's Total Maximum Daily Load Program—A Case Study, 24 J. Law & Com. 57 (2004).

Drawing Boundaries for Air Quality Control under the Clean Air Act: The Importance of NOT Being Nonattainment, 1 PITT. J. ENVLT. & PUB. HEALTH L. 61 (2006).

Chapter 6 Legislative Process and Lobbying (with Rebecca Gordon, Perkins Coie), in DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 2004-5 (Jeffrey S. Lubbers, ed)(2006).

Report and Recommendation to Council, ABA Administrative Law and Regulatory Practice Section (disclosure of lobbying coalition membership and grassroots lobbying)(2006)

Proposals to Amend the Lobbying Disclosure Act of 1995, 31 ADMIN. & REG. L. NEWS 2 (Summer 2006).

Lobbying Disclosure: A Recipe for Reform, 33 J. LEGIS. 32 (2006)(with Thomas M. Susman)

Chapter 5—Legislative Process and Lobbying (with Dr. Craig Holman, Public Citizen), in DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 2005-6 (Jeffrey S. Lubbers, ed.)(ABA Publishing 2007)

Clean Air Act Developments at US EPA (2006-2007), Chapter C: Basic Air/Air Update, TWELFTH ANNUAL ENVIRONMENTAL LAW FORUM 2007 VOL. 1 (Pennsylvania Bar Institute 2007).

Anonymity and its Dubious Relevance to the Constitutionality of Lobbying Disclosure Legislation, 19 Stan. L. & Pol. Rev. 69 (2008).

Chapter 7—Legislative Process and Lobbying, in DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 2007-8 (Jeffrey S. Lubbers, ed.)(ABA Publishing 2009).

The Evolution of Federal Lobbying Regulation: Where We Are Now and Where We Should Be Going, -----MCGEORGE L. REV.----- (2009).

COURSE MATERIALS

CASES ON ADMINISTRATIVE LAW AND ENVIRONMENTAL DECISION-MAKING (1979) (unpublished).

BASIC AND ADVANCED CIVIL PROCEDURE: DOCUMENTS AND QUESTIONS (2004).

AWARDS

The Bronze Medal for Commendable Service, Region I, US Environmental Protection Agency (1973), for development of air pollution and pesticide Programs.

Article, Civic Republicanism, the First Amendment, and Executive Branch Policymaking chosen for award and presentation at Freedom of Expression: Past, Present and Future, A 1991 Research Conference for the Bicentennial of the First Amendment (April 5-7, 1991, Williamsburg, Virginia), which was cosponsored by the Association for Education in Journalism and Mass Communication, the Institute of Bill of Rights Law (William and Mary), and the Gannett Foundation.

Chair's Award, Volunteer of the Year, American Bar Association, Section of Administrative Law and Regulatory Practice (July 2006).

OTHER TEACHING:

Northwestern School of Law of Lewis and Clark College, Portland, Oregon Summer 2003 (Environmental Law).

Vrije Universiteit Brussel (Nov. - Dec. 1995).

LECTURES/PANEL DISCUSSIONS/SPEECHES
(Selections)

Current Developments in U.S. Environmental Law, Department of Human Ecology, Vrije Universiteit Brussel (Nov. - Dec. 1995).

Federalism and U.S. Environmental Law, Program for International Legal Cooperation, Vrije Universiteit Brussel (Dec. 1995) and the School of Law, Universite Libre de Bruxelles (Nov. 1995).

Emission Trading in U.S. Environmental Law, Universiteit Gent (Faculteit Rechtsgeleerdheid) and the Belgian Environmental Law Association (Nov. 1995).

Discussant, "Neglected Costs of Environmental Regulation: Indirect Effects, Red Tape, and Inequity" at the 18th Annual Research Conference of the

- Association for Public Policy Analysis and Management (Nov. 1, 1996; Pittsburgh, PA).
- Discussant, “Curbing Retroactive Legislation/Constitutional and Congressional Constraints,” American Enterprise Institute for Public Policy Research (Nov. 4, 1996) (Washington, D.C.).
- Panelist, “Public Panel Discussion on Proposed Federal Ozone & Particulate Rules,” sponsored by the Air & Waste Management Association in conjunction with U.S. EPA (Feb. 6, 1997; Pittsburgh, PA).
- Speaker, “Implementation of the New Ozone and PM Standards: Rethinking Basic Assumptions--The FACA Process,” as part of ‘Major Issues in Air Quality Compliance: 1997 to Beyond 2000,’ presented by The Air & Waste Management Association (Pittsburgh, April 24, 1997).
- Speaker, Administrative Law and Regulatory Practice Section, Second Annual Institute, April 6-7, 2006, *The Lobbying Disclosure Act and Related Laws*
- Speaker, Western Pennsylvania Watershed Conference (sponsored by Citizens for Pennsylvania’s Future), Oct. 14, 2006, *The Total Maximum Daily Load Program in Pennsylvania*.
- Speaker, Symposium--Election and Lobbying Reform: Can Congress Really Change the Political System?, Journal of Legislation, Notre Dame Law School, *Can Lobbying Disclosure Really Deliver?*, March 29, 2007
- Speaker, 12th Annual Environmental Law Forum 2007 (Pennsylvania Bar Institute), Harrisburg, Pennsylvania, April 11, 2007, *Clean Air Act Developments at US EPA (2006-2007)*
- Panelist, *Lobbying and the Law Symposium*, Stanford Law and Policy Review, Feb. 23, 2008, Stanford Law School,
http://slpr.stanford.edu/Vol19_Lobbying/lobbying_symposium.html
- Panelist, *Ethics in Government—Ethical Cultures, Falls from Grace, and the Way Ahead*, Capital Center for Government Law & Policy, University of the Pacific McGeorge School of Law, March 6, 2009.
http://www.mcgeorge.edu/Documents/centers/government/McGeorge_Ethics_Symposium_Program.pdf

MISCELLANEOUS

(Selected)

Prepared and moderated various panel discussions for the ABA Administrative Law and Regulatory Practice Section dealing with negotiated rulemaking at the federal and state levels (1991); benefit/cost analysis of rules under Executive Order 12,291 (1991); recent developments in the federal rulemaking process (1992); the concept of a regulatory budget (1992); lobbying Congress and the Executive Branch (1997, 2004); Clean Air Initiatives in the 109th Congress (e.g. the Clear Skies Initiative and EPA’s Interstate Air Rule)(2005); lobbying reform (2006); and more lobbying reform (under the Honest Leadership and Open Government Act of 2007)(2008).

Chair, Planning Committee, *Agency Guidance under Amended Executive Order 12866 and the "Good Guidance Practices" Bulletin: Issues of Law, Administrative Practice, and Judicial Review*, 4th Annual Administrative and Regulatory Law Institute, ABA Section of Administrative Law and Regulatory Practice, Washington, D.C., May 1, 2008,
<http://www.abanet.org/adminlaw/institute/2008/finalbrochure.pdf>.

Co-Chair, *New Directions in Agency Rulemaking*, 5th Annual Administrative and Regulatory Law Institute, ABA Section of Administrative Law and Regulatory Practice, Washington, D.C., June 10, 2009.

SELECTED LITIGATION

Counsel to various environmental and other groups (1993-date) and attorney of record in various litigation including the following:

Ohio Forestry Ass'n, Inc. v. Sierra Club, 523 U.S. 726 (1998) (amicus)
 (NEPA, National Forest Management Act)

Kleissler v. U.S. Forest Service, 183 F.3d 196 (3d Cir. 1999)
 (NEPA, National Forest Management Act) (plaintiffs)

Kleissler v. U.S. Forest Service, 157 F.3d 964 (3d Cir. 1998) (NEPA,
 National Forest Management Act)(plaintiffs)

United States v. LTV Steel Co., Inc., 187 F.R.D. 522 (W.Dist. PA.
 1998)(Clean Air Act) (intervenor-plaintiff)

Curry v. U.S. Forest Service, 988 F. Supp. 541 (W.D. Pa. 1997)
 (NEPA, National Forest Management Act)(plaintiffs)