

**DONALD J. KOCHAN**  
Professor of Law  
Executive Director, Law & Economics Center  
Antonin Scalia Law School at George Mason University  
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### **EDUCATION**

#### **CORNELL LAW SCHOOL, J.D., 1998**

John M. Olin Scholar in Law and Economics, 1996-1997, 1997-1998  
*Cornell International Law Journal*, Managing Editor  
*Harvard Journal of Law & Public Policy*, Executive Editor/Editor, symposium issues, 1998/1997

#### **WESTERN MICHIGAN UNIVERSITY, B.A., Political Science and Philosophy, *magna cum laude*, 1995**

John W. Gill Medallion Scholar (competition-based full merit scholarship)  
Presidential Scholar in Political Science, 1995 (awarded to top graduate in department)  
D.C. Schilling Junior Political Science Award, 1994 (awarded to top junior in department)  
Siebert Undergraduate Research Award, 1995  
Honors College

### **PROFESSIONAL EXPERIENCE**

#### **ANTONIN SCALIA LAW SCHOOL AT GEORGE MASON UNIVERSITY**

**Professor of Law** (tenured), August 2020-present  
(Courses Taught: Property Law; Civil Procedure; State Constitutional Law (co-taught with Chief Judge Jeffrey S. Sutton, U.S. Court of Appeals for the Sixth Circuit); Institutions of American Law; A Survey of Law & Economics)  
**Executive Director, Law & Economics Center**, January 2023-present  
**Deputy Executive Director, Law & Economics Center**, August 2020-December 2022

#### **GEORGETOWN UNIVERSITY LAW CENTER, CENTER FOR THE CONSTITUTION**

**Nonresident Scholar**, 2018-present  
**Visiting Scholar** (in residence), Fall 2018

#### **THE FUND FOR AMERICAN STUDIES**

**Faculty Member**, 2023-present (teaching Law & Economics in Summer Law Program)

**CHAPMAN UNIVERSITY DALE E. FOWLER SCHOOL OF LAW**

**Parker S. Kennedy Professor in Law**, Dec. 2017-June 2020

**Inaugural Associate Dean for Research & Faculty Development**, July 2014-May 2019

**Assistant Professor of Law, Associate Professor of Law, and Professor of Law**, 2004-2017  
(tenured 2011)

(Courses Taught: Property Law; Administrative Law & Practice; Law & Economics; Remedies;  
Natural Resources Law & Policy; Real Estate Transactions; Commercial Leasing; Corporations;  
Agency & Partnership; Federal Courts)

**UNIVERSITY OF VIRGINIA SCHOOL OF LAW**

**Instructor in Law and Olin Fellow**, 2003-2004

**GEORGE MASON UNIVERSITY SCHOOL OF LAW (now the Antonin Scalia Law School)**

**Visiting Assistant Professor of Law**, 2002-2003

(Courses Taught: Property Law; Environmental Law)

**CROWELL & MORING LLP** (Washington, D.C.)

**Associate**, Sept. 1999-June 2002 (specializing in Natural Resources & Environmental Law)

**CLERKSHIP**

**Judicial Law Clerk, THE HONORABLE RICHARD F. SUHRHEINRICH, UNITED STATES COURT OF  
APPEALS FOR THE SIXTH CIRCUIT**, Aug. 1998-Aug. 1999

**SELECTED ACADEMIC AWARDS, HONORS, & SERVICE**

**Selected Honors and Awards:**

- Elected Member, American Law Institute (“ALI”) (January 2016-present)
  - Appointed by the Executive Director of the ALI as an Adviser to *Restatement of the Law Fourth, Property* project (July 2016-present)
    - “The American Law Institute is the leading independent organization in the United States producing scholarly work to clarify, modernize, and otherwise improve the law. ALI drafts, discusses, revises, and publishes Restatements of the Law, Model Codes, and Principles of Law that are enormously influential in the courts and legislatures, as well as in legal scholarship and education.” See <https://www.ali.org/about-ali/>.
    - ALI “membership consists of eminent judges, lawyers, and law professors from all areas of the United States and from many foreign countries, selected on the basis of professional achievement and demonstrated interest in improving the law. To further its work, the Institute elects individuals who reflect the excellence and diversity of today's legal profession. Membership in The American Law Institute is a distinct professional honor, and the number of elected members is limited.” See <https://www.ali.org/members/about-our-members/>.
- Nonresident Scholar, Georgetown Center for the Constitution, Georgetown University Law Center (2018-present)
- Life Fellow, American Bar Foundation (2014-present)

- Lone Mountain Fellow, Property & Environment Research Center (PERC) (2016)
- Editorial Board Member, *Journal of Legal Education* (appointed) (term: 2018-2020)
- Recipient of Chapman University's 2014 Valerie Scudder Award (a merit-based award selected by peers in recognition of outstanding achievement in scholarship, teaching, and service to the University)

**Selected National Service and Memberships:**

- American Law Institute (ALI):
  - Elected Member (2016-present)
  - Advisor on Property Restatement 4th (2016-present)
- Property & Environment Research Center (PERC)
  - Lone Mountain Fellow, Summer 2016
- Association of American Law Schools (AALS):
  - *Journal of Legal Education* Editorial Board Member (term: 2018-2020)
  - Chair, Planning and Nominations Committee, AALS Section on Associate Dean for Academic Affairs & Research (2016)
  - Chair, Section on Real Estate Transactions (2019); Chair-Elect (2018); Secretary (June 2017); Treasurer (January 2017-May 2017)
  - Chair, Section on Property Law (2017); Chair-Elect (2016); Secretary (2015); Member, Executive Committee (2014, 2018)
  - Chair, selection panel for the 2015 and 2016 AALS Junior Property Scholars Mentoring Programs at Annual Meeting
  - Peer Review Commenter, New Voices in Administrative Law, AALS Annual Meeting, (New York, NY, January 7, 2016) (Washington, D.C. January 3, 2020)
- American Bar Association (ABA):
  - Vice-Chair, Committee on Environment & Natural Resources Regulation, ABA Section on Administrative Law & Regulatory Practice (August 2015-present) (by appointment)
  - Standing Committee on the Law Library of Congress positions (all by appointment): ABA Section of Real Property, Trust and Estate Law (RPTE) Liaison to the Standing Committee on the Law Library of Congress (July 2021-August 2022); Member, Advisory Commission to the Standing Committee on Law Library of Congress (July 2018-July 2021); Chair, Advocacy Subcommittee for the Standing Committee on the Law Library of Congress (May 2019-July 2020) (advocates to Congress and other organizations for Law Library of Congress funding and other legislative priorities)
  - Member, ABA Real Property, Trust & Estate Law ("RPTE") Diversity and Inclusion Committee (August 2019-July 2020) (by appointment)
  - Chair for Legal Education and Co-Chair of Trusts & Estates Legal Education Committee for the ABA Real Property, Trust & Estate Law ("RPTE") Section (Sept. 2017-August 2019) (by appointment)
  - Contributing Editor, *Keeping Current-Property* in PROBATE & PROPERTY, the bi-monthly magazine of the ABA RPTE Section (covering literature and case law summaries from 17 western states) (Issues: May/June 2015-May/June 2018)
  - Member, ABA RPTE Legal Education and Uniform Laws Group Professors' Corner Planning Group and Moderator Panel (2016-2019)
  - Member, ABA RPTE Community Outreach Committee (2018-2019) (by appointment)
  - Invited panelist at 2017 and 2018 annual spring meetings of the RPTE Section; invited panelist at the 2017 annual fall meeting of the Section on Environment, Energy, & Resources (SEER)
- Uniform Law Commission ("ULC")
  - ABA Section Advisor, Study Committee on Adverse Possession (2017-2018)

- Federalist Society for Law & Public Policy Studies
  - Member, Executive Committee of the Federalist Society's Environmental Law & Property Rights Practice Group (1999-present)
  - Member, Energy and Environment Committee, Regulatory Transparency Project (RTP) (2016-present)
- Atlantic Legal Foundation
  - Member, Advisory Council (Nov. 2023-present)
- Antitrust Education Project
  - Member, Advisory Board (2020-present)
- Association for Law, Property & Society (ALPS)
  - Program Committee Member (2015-2016)
- JOTWELL
  - Founder and Inaugural Co-Editor of the Property Section at *Jotwell* (2015-present)
- Adjunct Scholar, Mackinac Center for Public Policy (1995-present)
- Member of the State Bar of New York and the District of Columbia Bar

**Committees and Service at GMU Antonin Scalia Law School:**

- Faculty Selection Committee, 2020-2022; 2025-present
- Chair, Term Faculty Reappointments, 2024-2025
- ABA Site Visit Committee, 2021-2024
- Academic Freedom and Faculty Grievance, 2023-2025
- Academic Standing and Student Affairs, 2022-2023
- Curriculum Committee, 2020-2021

**Committees and Service at Chapman University:**

- Inaugural Associate Dean for Research & Faculty Development (2014-2019)
- Chair, Law School ABA Accreditation Sabbatical Review and AALS Membership Review Self Study Committee (2017-2019)
- Member, Law School Faculty Appointments Committee (2019-2020); Chair (2017-2019); Member (2007-2008)
- Advisory Committee Member, Chapman University's Institute for Excellence in Teaching and Learning ("IETL") (2015-2019)
- Member, Chapman University's Research Advisory Panel (2016-2019)
- Member, Chapman University Faculty Research & Development Council ("FRDC") (2012-2013)
- Member, *Chapman Law Review* Advisory Committee (2016-2019); Faculty Advisor, *Chapman Law Review* (2005-2009)
- Member, Law School Student Scholarship Appeal Review Committee (2017-2019)
- Chair, Law School Curriculum Committee (2013-2014); Member (2004-2005)
- Chair, Law School Committee on Teaching Excellence & Scholarship (2011-2013); Member (2016-2017)
- Chair, Law School Judicial Clerkship Committee (2006-2007); Member (2004-2006; 2009-2012)
- Member, Law School Honor Council (2007-2008); Hearing Panel Member (2019)
- Member, Law School Admissions Committee (2007)
- Faculty Advisor to various student organizations across the years, including the Law & Economics Society; the Real Estate Law Society; the Federalist Society; and the *Chapman Law Review*

## SELECTED SCHOLARSHIP

### Citations:

Professor Kochan's scholarship has been cited and/or quoted—one or more times (beyond mere acknowledgements)—in more than a dozen state and federal court opinions, in more than 75 briefs filed in state and federal courts including more than 25 filed in the U.S. Supreme Court, in dozens of books and treatises, in more than 500 articles in scholarly journals listed in the Westlaw JLR Database, and with more than 890 citations in articles listed in Google Scholar.

### Downloads in the Social Science Research Network (SSRN):

More than 17,100

### BOOKS

FRAMING THE CONSTITUTION: THE IMPACT OF LABELS ON CONSTITUTIONAL INTERPRETATION  
(*forthcoming*, Cambridge University Press)

EMANUEL LAW OUTLINES: PROPERTY – KEYED TO DUKEMINIER, KRIER, ALEXANDER, SCHILL & STRAHILEVITZ, TENTH EDITION (Wolters Kluwer, 10<sup>th</sup> ed. *forthcoming*).

[THE LAW OF NEIGHBORS](#) (Thomson Reuters Updated Edition December 2024) (with Professor James C. Smith, University of Georgia School of Law); (2023 Updated Edition); (2022 1st Edition)

[QUESTIONS & ANSWERS: PROPERTY](#) (Carolina Academic Press, 3rd ed. 2022) (with Professor John Copeland Nagle, University of Notre dame Law School).

[EMANUEL LAW OUTLINES: PROPERTY – KEYED TO DUKEMINIER, KRIER, ALEXANDER, SCHILL & STRAHILEVITZ, NINTH EDITION](#) (Wolters Kluwer, 9<sup>th</sup> ed. 2018) (with Prof. Calvin R. Massey).

[EMANUEL LAW OUTLINES: PROPERTY – KEYED TO DUKEMINIER, KRIER, ALEXANDER, SCHILL & STRAHILEVITZ, EIGHTH EDITION](#) (Wolters Kluwer, 8<sup>th</sup> ed. 2018) (with Professor Calvin R. Massey, University of California Hastings College of Law).

### SELECTED LAW REVIEW & LAW JOURNAL ARTICLES AND BOOK CHAPTERS

[Involuntary Regulatory Servitudes: Correcting for “Regulatory Takings” Terminological Problems](#), 20 JOURNAL OF LAW, ECONOMICS & POLICY \_\_ (forthcoming 2025).

- “Recommended” at the Legal Theory Blog on December 4, 2024 [[Link](#)]

*Market Mechanisms in Environmental Regulation*, Part B: Chapter 8, in RESEARCH HANDBOOK ON ENVIRONMENTAL REGULATION (Gary Lynch-Wood and David Williamson eds., forthcoming Edward Elgar 2025).

[Disney v. Democracy? A Public Choice and Good Governance Analysis of Florida’s Reedy Creek Improvement Act of 1967 and Its Resulting Regime](#), 19 VIRGINIA LAW & BUSINESS REVIEW 51 (2025).

- “Recommended and Very Interesting” at the Legal Theory Blog on February 8, 2024 [[Link](#)]

*The Regulatabilization of Cannabis*, 49 FORDHAM URBAN LAW JOURNAL 519 (2022).

- “Recommended” at the Legal Theory Blog on April 1, 2022 [[Link](#)]

*On the Imperative of Civil Discourse: Lessons from Alexander Hamilton and FEDERALIST NO. 1*, 94 SOUTHERN CALIFORNIA LAW REVIEW POSTSCRIPT 32 (2020).

- “Recommended” at the Legal Theory Blog on March 29, 2022 [[Link](#)]

*The Meaning of Federalism in a System of Interstate Commerce: Free Trade Among the Several States*, 95 NOTRE DAME LAW REVIEW REFLECTION 166 (2020).

*Strategic Institutional Positioning: How We’ve Come to Generate Environmental Law Without Congress*, 6 TEXAS A&M LAW REVIEW 323 (2019).

*The Market to Roam: Using Sharing Economy Platforms for Expanding Roaming Access to Land Resources*, 59 NATURAL RESOURCES JOURNAL 89 (2019).

*The ~~Takings~~ Keepings Clause: An Analysis of Framing Effects from Labeling Constitutional Rights*, 45 FLORIDA STATE UNIVERSITY LAW REVIEW 1021 (2018).

- “Recommended” at the Legal Theory Blog on August 16, 2017 [[Link](#)]
- Reviewed on *Jotwell* by Professor Carol Necole Brown, April 24, 2019 [[Link](#)]

*The Sharing Stick in the Property Rights Bundle: The Case of Short Term Rentals and HOAs*, 86 UNIVERSITY OF CINCINNATI LAW REVIEW 893 (2018).

*Pride & Property: An Interdisciplinary Analysis of Their Symbiotic Relationship*, 27 UNIVERSITY OF SOUTHERN CALIFORNIA INTERDISCIPLINARY LAW JOURNAL 255 (2018).

*The Commenting Power: Agency Accountability through Public Participation*, 70 OKLAHOMA LAW REVIEW 601 (2018).

*I Share, Therefore It’s Mine*, 51 UNIVERSITY OF RICHMOND LAW REVIEW 909 (2017).

- “Interesting and recommended” at the Legal Theory Blog on August 10, 2016 [[Link](#)]

*Deeds and the Determinacy Norm: Insights from Brandt and Other Cases on an Undesignated, Yet Ever-Present, Interpretive Method*, 43 FLORIDA STATE UNIVERSITY LAW REVIEW 793 (2016).

*Constituencies and Contemporaneousness in Reason-Giving: Thoughts and Direction after T-Mobile*, 37 CARDOZO LAW REVIEW 1 (2015).

*Dealing with Dirty Deeds: Matching Nemo Dat Preferences with Property Law Pragmatism*, 64 UNIVERSITY OF KANSAS LAW REVIEW 1 (2015).

*Keepings*, 23 NEW YORK UNIVERSITY ENVIRONMENTAL LAW JOURNAL 355 (2015).

- “Very interesting & highly recommended” at Legal Theory Blog, Apr. 6, 2015 [[Link](#)]

*A Framework for Understanding Property Regulation and Land Use Control from a Dynamic Perspective*, 4 MICHIGAN JOURNAL OF ENVIRONMENTAL & ADMINISTRATIVE LAW 303 (2015).

*Bubbles (or, Some Reflections on the Basic Laws of Human Relations)*, 26 FORDHAM ENVIRONMENTAL LAW REVIEW 133 (2015).

*The Mask of Virtue: Theories of Aretaic Legislation in a Public Choice Perspective*, 58 SAINT LOUIS UNIVERSITY LAW JOURNAL 295 (2014).

- “Deeply interesting & highly recommended” at Legal Theory Blog in May 2013 [[Link](#)]

*The “Reason Giving” Lawyer: An Ethical, Practical, and Pedagogical Perspective*, 26 GEORGETOWN JOURNAL OF LEGAL ETHICS 261 (2013).

*Public Lands and the Federal Government’s Compact-Based “Duty to Dispose”: A Case Study of Utah’s H.B. 148 – The Transfer of Public Lands Act*, 2013 BYU LAW REVIEW 1133 (2013).

*Certainty of Title: Perspectives After the Mortgage Foreclosure Crisis on the Essential Role of Effective Recording Systems*, 66 ARKANSAS LAW REVIEW 267 (2013).

*The Property Platform in Anglo-American Law and the Primacy of the Property Concept*, 29 GEORGIA STATE UNIVERSITY LAW REVIEW 453 (2013).

*While Effusive, “Conclusory” is Still Quite Elusive: The Story of a Word, Iqbal, and a Perplexing Lexical Inquiry of Supreme Importance*, 73 UNIVERSITY OF PITTSBURGH LAW REVIEW 215 (2011).

- “Fascinating & highly recommended. Download it while it’s hot!” at the Legal Theory Blog on June 1, 2011 [[Link](#)]
- Another noteworthy public review came from Judge Richard Kopf (U.S.D.C. Nebraska), who described this article by Professor Kochan in the following way:

As the above-quoted abstract demonstrates, **Donald J. Kochan**, Professor of Law at Chapman University School of Law in Orange, California, **has written a fascinating and very useful article about a single word, “conclusory.”** Donald J. Kochan, WHILE EFFUSIVE, “CONCLUSORY” IS STILL QUITE ELUSIVE: THE STORY OF A WORD, *IQBAL*, AND A PERPLEXING LEXICAL INQUIRY OF SUPREME IMPORTANCE, 73 University of Pittsburgh Law Review, No. 2, 2011 (2013).

**I urge federal civil practitioners and members of the Academy who are interested in federal civil procedure to read Professor Kochan’s especially thoughtful and incredibly detailed analysis.** In particular, I found Appendix E, *Supreme Court Opinions with Occurrence of the Words “Conclusory” or “Nonconclusory”: Citations with Information Regarding Each Occurrence Including Justice Authoring Opinion, Type of Opinion, and Surrounding Words Indicating Context of Usage* (1942–2011), to be particularly useful and fascinating.

**Professor Kochan’s article proves, once again, that dedicated law professors can really help judges and practitioners when they put their minds to it.**

(emphasis added). See Hercules and the Umpire Blog (authored by Judge Richard Kopf, U.S. District Court for the District of Nebraska), July 8, 2013, <https://herculesandtheumpire.wordpress.com/2013/07/08/calling-brian-garner-conclusory-what-the-hell-does-the-word-mean/>

*On Equality: The Anti-Interference Principle*, 45 UNIVERSITY OF RICHMOND LAW REVIEW 431 (2011).

[\*Much Ado About Pluralities: Pride and Precedent Amidst the Cacophony of Concurrences – and Re-Percolation After Rapanos\*](#), 15 VIRGINIA JOURNAL OF SOCIAL POLICY & LAW 299 (2008) (with Professors Matthew Parlow and Melissa Berry).

[\*The Soft Power and Persuasion of Translations in the War on Terror: Words and Wisdom in the Transformation of Legal Systems\*](#), 110 WEST VIRGINIA LAW REVIEW 545 (2008).

[\*Sovereignty and the American Courts at the Cocktail Party of International Law: The Dangers of Domestic Judicial Invocations of Foreign and International Law\*](#), 29 FORDHAM INTERNATIONAL LAW JOURNAL 507 (2006).

[\*The Unconstitutionality of Class-Based Statutory Limitations on Presidential Nominations: Can a Man Head the Women's Bureau at the Department of Labor?\*](#), 37 LOYOLA UNIVERSITY-CHICAGO LAW JOURNAL 43 (2005).

[\*The Political Economy of the Production of Customary International Law: The Role of NGOs and United States Courts\*](#), 21 BERKELEY JOURNAL OF INTERNATIONAL LAW 240 (2004).

[\*State Laws and the Independent Judiciary: An Analysis of the Effects of the Seventeenth Amendment on the Number of Supreme Court Cases Holding State Laws Unconstitutional\*](#), 66 ALBANY LAW REVIEW 1023 (2003).

[\*"Public Use" and the Independent Judiciary: Condemnation in an Interest-Group Perspective\*](#), 3 TEXAS REVIEW OF LAW & POLITICS 49 (1998).

[Notable citations to this work: This article has not only received well over 100 citations in articles and books, it was cited and quoted at length (for the meaning of public use and public purpose and to explain the insights of public choice or interest group theory as they apply to local governments) in an amicus brief of Nobel Laureate [for economic studies] James Buchanan and noted economist Gordon Tullock—founders of public choice theory—in the U.S. Supreme Court's landmark property rights and eminent domain case of *Kelo v. City of New London*, as well as in five other briefs in *Kelo* and in seven amicus briefs in a similar takings case at the Supreme Court of Michigan in *County of Wayne v. Hathcock* (overturning the *Poletown* decision).

### ***Selected Law Review Articles and Essays on Legal Education***

[\*Virtual Liquid Networks and Other Guiding Principles for Optimizing Future Student-Edited Law Review Platforms\*](#), 32 TOURO LAW REVIEW 263 (2016) (Associate Deans Symposium).

[\*"Thinking" in a Deweyan Perspective: The Law School Exam as a Case Study for Thinking in Lawyering\*](#), 12 NEVADA LAW JOURNAL 395 (2012).

[\*Thinking Like Thinkers: Is the Art and Discipline of An "Attitude of Suspended Conclusion" Lost on Lawyers?\*](#), 35 SEATTLE UNIVERSITY LAW REVIEW 1 (2011).

[\*"Learning" Research and Legal Education: A Brief Overview and Selected Bibliographical Survey\*](#), 40 SOUTHWESTERN LAW REVIEW 449 (2011).

- *Selected as June 2011 Article of the Month by Institute for Law Teaching and Learning*



***Selected Full-Length Invited Symposium Articles***

*Reason-Giving, Rulemaking, and the Rule of Law*, 87 UMKC LAW REVIEW 525 (2019) (symposium).

- “Recommended” at the Legal Theory Blog on June 22, 2018 [[Link](#)]

*Playing with Real Property Inside Augmented Reality: Pokémon Go, Trespass, and Law’s Limitations*, 38 WHITTIER LAW REVIEW 70 (2018) (symposium).

*Incumbent Landscapes, Disruptive Uses: Perspectives on Marijuana-Related Land Use Control*, 3 TEXAS A&M JOURNAL OF PROPERTY LAW 35 (2016) (symposium).

*Economics-Based Environmentalism in the Fourth Generation of Environmental Law*, 21 [University of Missouri] JOURNAL OF ENVIRONMENTAL & SUSTAINABILITY LAW 47 (2015) (symposium).

- “Recommended!” at the Legal Theory Blog on May 22, 2015 [[Link](#)]

*Corporate Social Responsibility in a Remedy-Seeking Society: A Public Choice Perspective*, 17 CHAPMAN LAW REVIEW 413 (2014) (symposium).

*You Say You Want a (Nonviolent) Revolution, Well Then What? Translating Western Thought, Strategic Ideological Cooptation, and Institution Building for Freedom for Governments Emerging Out of Peaceful Chaos*, 114 WEST VIRGINIA LAW REVIEW 897 (2012) (symposium).

*Runoff and Reality: Externalities and Traceability Problems in Urban Runoff Regulation*, 9 CHAPMAN LAW REVIEW 409 (2006) (symposium).

*No Longer Little Known But Now a Door Ajar: An Overview of the Evolving and Dangerous Role of the Alien Tort Statute in Human Rights and International Law Jurisprudence*, 8 CHAPMAN LAW REVIEW 103 (2005) (symposium).

***Selected Essays, Shorter Law Review Articles, Student Notes,  
and Other Miscellaneous Journal Writings***

*Constitutional Structure as a Limitation on the Scope of the “Law of Nations” in the Alien Tort Claims Act*, 31 CORNELL INTERNATIONAL LAW JOURNAL 153 (1998) (Note).

*The Other Side of the Coin: Implications for Policy Formation in the Law of Judicial Interpretation: A Review of A MATTER OF INTERPRETATION by Antonin Scalia*, 6 CORNELL JOURNAL OF LAW & PUBLIC POLICY 463 (1997) (Book Note).

*The SEC’s Climate Change Disclosure Rules are in Double Constitutional Trouble*, HARVARD LAW SCHOOL FORUM ON CORPORATE GOVERNANCE, June 19, 2023.

*Public Lands: Pride, Place, Proximity & Power*, 25 VIRGINIA JOURNAL OF SOCIAL POLICY & THE LAW 1 (2018).

*The Progression and Evolution of International Law Scholarship Over the Past 50 Years: Some Quantitative Observations*, 22 BUFFALO HUMAN RIGHTS LAW REVIEW 1 (2016).

- “Very interesting and recommended” at Legal Theory Blog, Apr. 29, 2015 [[Link](#)]

[\*When Inquiring Minds Ought to Know . . . , Part II\*](#), PROBATE & PROPERTY, January/February 2018, at 48-53 (with James Charles Smith (U. Georgia Law)).

[\*When Inquiring Minds Ought to Know . . .\*](#), PROBATE & PROPERTY, July/August 2017, at 57-63 (with James Charles Smith (U. Georgia Law)).

[\*Ripe Standing Vines and the Jurisprudential Tasting of Matured Legal Wines: Property and Public Choice in the Permitting Process\*](#), 24 BYU JOURNAL OF PUBLIC LAW 49 (2009).

[\*Boyakasha, Fist to Fist: Respect and the Philosophical Link with Reciprocity in International Law and Human Rights\*](#), 38 GEORGE WASHINGTON INTERNATIONAL LAW REVIEW 349 (2006).

[\*Pages Per Term in the United States Reports and Converting Supreme Court Citations to Term Announced: A Statistical Research Tool\*](#), 1998 DETROIT COLLEGE OF LAW AT MICHIGAN STATE UNIVERSITY LAW REVIEW 1091 (1998).

[\*Black Tuesday and Graying the Legitimacy Line of Governmental Intervention: When Tomorrow is Just a Future Yesterday\*](#), 15 NEXUS: CHAPMAN'S JOURNAL OF LAW & POLICY 107 (2010) (symposium).

[\*In the Heat of the Law, It's Not Just Steam: Geothermal Resources and the Impacts on Thermophile Biodiversity\*](#), 13 HASTINGS W.-N.W. JOURNAL OF ENVIRONMENTAL LAW & POLICY 35 (2007) (with Tiffany Grant).

[Note: Substantially excerpted in THE RENEWABLE ENERGY READER (K.K. DuVivier ed. 2011)]

[\*Miranda at 40: Applications in a Post-Enron, Post 9/11 World: Introduction\*](#), 10 CHAPMAN LAW REVIEW 531 (2007) (symposium).

[\*The Blogosphere and the New Pamphleteers\*](#), 11 NEXUS: CHAPMAN'S JOURNAL OF LAW & POLICY 99 (2006) (symposium).

*Should Property Law Evolve to Recognize Personal Property Servitudes?* JOTWELL, Forthcoming July 2025 [reviewing Daniel M. Klerman & Stefan Bechtold, *Personal Property Servitudes Revisited*]

[\*Is What Property Is What Property Does?\*](#), JOTWELL, April 6, 2023 [reviewing Christopher Serkin, "What Property Does"].

[\*The Universal and Uniquely Human Custom \(Not Right\) of Property\*](#), JOTWELL, Dec. 18, 2019 [reviewing BART J. WILSON, *THE MEANING OF PROPERTY IN THINGS IN THE PROPERTY SPECIES: MINE, YOURS, AND THE HUMAN MIND* (forthcoming 2020)].

[\*The Horse Before the Cart: The Necessity of the Right to Acquire Property to Property Rights\*](#), JOTWELL, July 27, 2018 [reviewing James W. Ely, Jr., "Buchanan & the Right to Acquire Property"]

[\*Same Base, Different Taste: The Cultural Ingredient in Property Law\*](#), JOTWELL (May 3, 2017). [reviewing Taisu Zhang, "Cultural Paradigms in Property Institutions"]

[\*Property as a Vehicle of Inclusion to Promote Human Sociability\*](#), JOTWELL (January 22, 2016) [reviewing Daniel B. Kelly, "The Right to Include"]

**SELECTED OPINION COLUMNS**

[\*No, the SEC Can't Regulate Climate Change: If Congress wanted to authorize that, it would have said so\*](#), WALL STREET JOURNAL, Feb. 16, 2023, at A17.

[\*Keep Foreign Cash Out of U.S. Courts\*](#), WALL STREET JOURNAL, Nov. 25, 2022, at A13.

[\*Reading Adam Smith in Arabic\*](#), WALL STREET JOURNAL, Feb. 17, 2011, at A17.

[Selected citation: U.S. Senator Ron Johnson (Wisc.) questioned Secretary Hillary Clinton specifically about my op-ed at Hearing on FY 2012 State Department Budget, U.S. SENATE CMTE. ON APPROPRIATIONS (Mar. 2, 2011) –see 2011 WLNR 4165274 and [Hearing record here](#) (at p. 30); see also [webcast](#) (at 01:57:05)]

[\*Why Big Oil beat a climate change case: A judge's ruling shows that science matters, but so does the Constitution\*](#), L.A. TIMES, July 6, 2018, at A11 (online title: *Making oil companies pay for climate change isn't the right move for science or the Constitution*).

[\*Hamilton's Take on 2016 Politics: The Federalist Papers Caution Against Populism and Demagogues\*](#), L.A. TIMES, Oct. 27, 2016, at A15 (Online Title: *Take heart voters: No matter who gets elected, the president can't destroy the republic*).

[\*Luxury Needs No Remedy\*](#), L.A. TIMES, July 26, 2010, at A15.

(Online Title: *Benjamin Franklin on Wealth*; reprinted widely in affiliated newspapers).

Reprinted as and in, *inter alia*, the following newspapers:

[Founding Father's Lesson on Wealth](#), DALLAS MORNING NEWS, Aug. 1, 2010 (Sunday Commentary); [Benjamin Franklin on Wealth](#), PLAIN-DEALER (Cleveland, OH), Aug. 1, 2010 (Sunday edition); [Ben's Wealth Wisdom](#), ST. PETERSBURG TIMES (FL), July 31, 2010; [Government Shouldn't Regulate Luxury](#), DESERET NEWS (Salt Lake City, UT), Aug. 1, 2010 (Sunday edition); [Wealth is Not a Dirty Word](#), PITTSBURGH TRIBUNE-REVIEW, Aug. 1, 2010 (Sunday Edition); [Benjamin Franklin on Wealth](#), DENVER POST, July 29, 2010; [Benjamin Franklin Had It Right on Wealth](#), ATHENS BANNER HERALD (GA), July 31, 2010; [Benjamin Franklin Understood the Value of Wealth](#), AKRON BEACON JOURNAL (OH), July 29, 2010

[\*'Land Loss' Suits Against Energy Producers Are an Abuse of Courts\*](#), BLOOMBERG LAW, April 16, 2025.

[\*DC's baseless lawsuit against energy producers must be dismissed\*](#), THE HILL, March 25, 2025.

[\*NY climate lawsuit is about grabbing green, not going green\*](#), FOXNEWS.COM, March 17, 2025.

[\*James Madison, The 'OG' of DOGE\*](#), THE DAILY SIGNAL, March 4, 2025.

[\*Public nuisance lawsuits over plastics recycling lack legal foundation\*](#), THE HILL, February 26, 2025.

[\*State "Climate Superfund" Laws are Constitutionally Super Suspect\*](#), NATIONAL LAW JOURNAL (Law.com), February 19, 2025.

[\*CA plastics lawsuit abuses courts, defendants using unconstitutional legal molds\*](#), NORTHERN CALIFORNIA RECORD, Jan. 31, 2025.

[\*Trump Must Order Agencies to Audit Claims of Statutory Authority\*](#), BLOOMBERG LAW, January 15, 2025.

[Supreme Court Could Send Message on Climate Change Lawsuits](#), THE DAILY SIGNAL, January 8, 2025.

[The solicitor general climate change briefs that didn't bark](#), THE HILL, January 7, 2025.

[Preparing for Measured, Responsible and Reasoned Consumer Welfare Policy](#), NATIONAL LAW JOURNAL ([Law.com](#)), December 19, 2024.

[The Biden Administration's Bad Legal Case on Climate Change as Public Nuisance](#), NATIONAL REVIEW ONLINE, December 16, 2024.

[Beware midnight opinions from Biden's solicitor general](#), THE HILL, November 18, 2024.

[Electric Vehicle Rule Mixes Bad Economics, Unlawful Overreach](#), BLOOMBERG LAW, November 13, 2024.

[Lingering Questions at Supreme Court About Climate Change Litigation Need Resolution](#), NATIONAL LAW JOURNAL ([Law.com](#)), November 13, 2024.

[The Progressive Case for Permitting Reform](#), THE HILL, August 29, 2024.

[SCOTUS, Common Sense and the Limits of Climate Change Litigation](#), NATIONAL LAW JOURNAL (LAW.COM), May 30, 2024.

[The Supreme Court must decide this issue on climate lawsuits someday. Why not do it now?](#), THE HILL, May 21, 2024.

[Supreme Court Should Prevent Flood of State Climate Change Torts](#), BLOOMBERG LAW, May 20, 2024.

['Sue-and-Settle' Tactics That Circumvent Law Should Be Stopped](#), BLOOMBERG LAW, Nov. 20, 2023.

[The legal theory behind California's climate lawsuit has already been debunked](#), THE HILL, Nov. 17, 2023.

[AG Bonta's climate litigation strategy was already rejected by the courts in 2007](#), ORANGE COUNTY REGISTER, Nov. 13, 2023.

[Guidance Needed From US Supreme Court on State-Based Climate Change Lawsuits](#), NATIONAL LAW JOURNAL ([Law.com](#)), April 20, 2023.

[Clarity from Supreme Court needed on patchwork climate change litigation mess](#), WASHINGTON TIMES, April 19, 2023, at B4.

[State courts are no place for climate lawsuits](#), THE HILL, April 7, 2023.

[Beware the 'gotcha' weaponization of proposed SEC climate rules](#), WASHINGTON EXAMINER, March 10, 2023.

[Climate change consumer deception lawsuits threaten free speech. Will the Supreme Court take note?](#), THE HILL, Feb. 2, 2023.

[Lost in space: Backdoor climate regulation of federal contractors violates statutory limits](#),  
THE HILL, Jan. 12, 2023.

[Foreign state sponsors of litigation should lose sovereign immunity from being sued](#),  
THE HILL, Dec. 1, 2022.

[Climate change lawsuits jeopardize America's national security](#), THE HILL, Sept. 2, 2022.

[Climate Plaintiffs Can't Pin Harms On Specific Fossil Fuel Cos.](#), LAW360, Sept. 2, 2022.

[Call the right pro to address climate change](#), THE HILL, July 12, 2022.

[Illinois needs interstate competition, not in-state monopoly, to lower electricity costs](#),  
CHICAGO SUN-TIMES, December 29, 2021.

[Climate Change Litigation is Not "The New Tobacco,"](#) LAW360, December 2, 2021.

[There's no climate change exception to free speech](#), THE HILL, October 28, 2021.

[The Purpose of a Corporation is to Seek Profits, Not Popularity](#), THE HILL, August 19, 2021.

[Corporations don't exist for 'social good' agenda](#), THE DETROIT NEWS, August 19, 2021.

[Fight climate change battles outside the courtroom](#), THE DETROIT NEWS, July 27, 2021, at 12A.

[Harness market wisdom for lower-cost electricity](#), RICHMOND-TIMES DISPATCH, July 24, 2021, at A15.

[The courts are not the place to craft or regulate climate policy](#), THE HILL, July 8, 2021.

[Landmark Liability Case and the Common Law's Lament](#), REALCLEAR POLITICS, August 28, 2019.

[Keep courts off of the climate policy playground](#), THE HILL, August 13, 2019.

[Why Climate Litigation is Out of Place](#), WASHINGTON TIMES, Nov. 26, 2018, at B3.

[Why Big Oil beat a climate change case: A judge's ruling shows that science matters, but so does the Constitution](#), L.A. TIMES, July 6, 2018, at A11 (online title: *Making oil companies pay for climate change isn't the right move for science or the Constitution*).

[Hamilton's Take on 2016 Politics: The Federalist Papers Caution Against Populism and Demagogues](#),  
L.A. TIMES, Oct. 27, 2016, at A15 (Online Title: *Take heart voters: No matter who gets elected, the president can't destroy the republic*).

[Midnight Monuments](#), THE HILL: CONGRESS BLOG, Oct. 3, 2016.

Los Angeles Daily Journal Columns:

*Don't Let Your Bubble Cross My Bubble*, LOS ANGELES DAILY JOURNAL, July 27, 2010, at 5;  
*Call to Repeal Seventeenth Amendment*, LOS ANGELES DAILY JOURNAL, June 16, 2010, at 5; *The Case for Simplicity*, LOS ANGELES DAILY JOURNAL, August 20, 2009, at 6; *Card Sharks*, LOS ANGELES DAILY JOURNAL, August 10, 2009, at 6 (with Ryan O'Dea); *For Failing Corporations, Christmas Has Come Early This Year*, LOS ANGELES DAILY JOURNAL, June 25, 2009, at 6;

*Hungry for Precedent*, LOS ANGELES DAILY JOURNAL, May 5, 2008, at 6; *Words and Ideas Are Power in the War on Terrorism*, LOS ANGELES DAILY JOURNAL, Feb. 26, 2007, at 6.

*Bill Fosters a Blight on Property Rights*, DETROIT NEWS, June 15, 2001, at 13A.

*Protecting the Right to Appellate Review in the New Era of Civil Actions: A Call for Bonding Fairness*, BNA's PRODUCT SAFETY & LIABILITY REPORTER, May 21, 2001, at 515 (with Mark A. Behrens).

*Federal Courts Using 'Certification' to Punt on Controversial State Tort Law Issues*, LJN's PRODUCT LIABILITY LAW & STRATEGY, Feb. 2001, at 4 (with Mark A. Behrens).

*The Real Transition: How to Stem a Deluge of Regulations*, WASHINGTON TIMES, Jan. 15, 2001, at A15 (with Robert P. Charrow).

*Stopping the Last-Minute Regulatory Deluge*, BOSTON GLOBE, Jan. 6, 2001, at 11 (with Robert P. Charrow).

*Let The Sunshine In: The Need For Open, Competitive Bidding In Government Retention of Private Legal Services*, BNA's PRODUCTS SAFETY & LIABILITY REPORTER, Oct. 2, 2000, at 915 (with Mark A. Behrens).

*After Burma*, LEGAL TIMES, Aug. 21, 2000, at 54.  
reprinted in full as: *Foreign Policy, Freelanced: Suits brought under Alien Tort Claims Act undermine federal government's authority*, THE RECORDER (Cal.), Aug. 23, 2000, at 5; and as *Rein in the Alien Tort Claims Act: Reconstituted Law of Nations Standard Needs Defining by Congress*, FULTON COUNTY DAILY REPORT (Ga.), Aug. 24, 2000.

*Stand Down*, LEGAL TIMES, Dec. 6, 1999, at 54 (with Mark Koehn).

*Congress Can't Plea Bargain with President*, DETROIT NEWS, October 9, 1998, at 11A.

*State Needs Real Reform in Takings Law*, DETROIT NEWS, February 4, 1996, at 7B. (Reprinted in, *inter alia*, DETROIT LEGAL NEWS)

*Quebec Secession Drive Fails the Legitimacy Test*, DETROIT NEWS, November 1, 1995, at 9A.

*Costly Regulations Force Upjohn Merger*, DETROIT NEWS, August 27, 1995, at 3B.

#### **SELECTED INSTRUCTIONAL VIDEOS AND AUDIO TUTORIALS**

[\*What are Opportunity Costs?\*](#), Law and Economics Course, The Federalist Society's No. 86 Video Series Project.

[\*Why Do Marginal Costs Matter?\*](#), Law and Economics Course, The Federalist Society's No. 86 Video Series Project.

[\*Evaluating Unintended Consequences\*](#), Law and Economics Course, The Federalist Society's No. 86 Video Series Project.



[Early Origins of Law & Economics](#), Law and Economics Course, The Federalist Society's No. 86 Video Series Project.

[Property Class and Learning to Think Like a Lawyer \[No. 86\]](#), Introduction to Property [Module], The Federalist Society's No. 86 Video Series Project.

[Limits on Property Rights: Reciprocity and Externalities \[No. 86\]](#), Introduction to Property [Module], The Federalist Society's No. 86 Video Series Project.

[How is Property Law Related to Torts? \[No. 86\]](#), Introduction to Property [Module], The Federalist Society's No. 86 Video Series Project.

[Common Law Principles Part I: Property and Contracts \[No. 86\]](#), Introduction to Property [Module], The Federalist Society's No. 86 Video Series Project.

[How is Property Acquired?](#) [No. 86 Lecture], The Federalist Society's No. 86 Project.

[Ownership and Property Rights](#) [No. 86 Lecture], The Federalist Society's No. 86 Project.

[Property Law—Why We Need It and How We Learn It](#) [No. 86 Lecture], The Federalist Society's No. 86 Project.

#### **SELECTED PUBLIC POLICY AND LEGAL INSTITUTE MONOGRAPHS AND BOOK CHAPTERS**

*Chapter 3: Eminent Domain Law and Reform in Illinois: A Brief Overview*, in [AN ILLINOIS CONSTITUTION FOR THE TWENTY-FIRST CENTURY](#) (Joseph E. Tabor ed. 2017) (with introduction by Richard A. Epstein and foreword by George F. Will).

[A LEGAL OVERVIEW OF UTAH'S H.B. 148 – THE TRANSFER OF PUBLIC LANDS ACT](#), A Federalist Society for Law & Public Policy Studies White Paper, Jan. 2013. (monograph)

[REFORMING THE LAW OF TAKINGS IN MICHIGAN](#), A Mackinac Center for Public Policy Report (April 1996). (monograph)

[REFORMING PROPERTY FORFEITURE LAWS TO PROTECT CITIZEN'S RIGHTS](#), A Mackinac Center for Public Policy Report (July 1998). (monograph).

[Selected Review: Representative John Conyers (D-MI) stated that this Report "has done a great public service by pointing out an abuse of power and a defect in our law." *See 'Odd Couple' works for common good*, Detroit News, July 21, 1998.]

[Property Rights, Responsible Development, and Constrictive "Rules"](#), Virginia Institute for Public Policy VIRGINIA VIEWPOINT No. 2003-16, November 2003.

[Domestic Courts and Growing NGO Investment in 'International Law': At What Cost and Consequence to Democracy?](#), 4 ENGAGE: THE JOURNAL OF THE FEDERALIST SOCIETY'S PRACTICE GROUPS 84 (May 2003).

[Property Rights, Condemnation, and Special Interests](#), Virginia Institute for Public Policy VIRGINIA VIEWPOINT No. 2003-3, April 2003.

[James Madison and the Simple Truths of Classical Liberalism](#), THE FREEMAN: IDEAS ON LIBERTY, Jan. 2003, at 14 (a publication of the Foundation for Economic Education (FEE)).

[Government 'Condemnation' Power Makes Property Rights Less Secure](#), Mackinac Center for Public Policy VIEWPOINT ON PUBLIC ISSUES No. 2002-07, Feb. 4, 2002.

[Public-Private 'Land Exchanges' Could Help Resolve Property Rights Disputes](#), Mackinac Center for Public Policy VIEWPOINT ON PUBLIC ISSUES, Sept. 2, 2002.

[South Dakota's Eminent Domain Experiment to Curb Private Condemnation by Railroads](#), 3 ENGAGE: THE JOURNAL OF THE FEDERALIST SOCIETY'S PRACTICE GROUPS 37 (Oct. 2002)

[Fighting Urban Blight or Trashing Property Rights?](#) Mackinac Center for Public Policy VIEWPOINT ON PUBLIC ISSUES, July 2, 2001.

[Selected Review: John Douglas, columnist at *The Grand Rapids Press (MI)* regarding this commentary: "I don't often agree with the folks at the Mackinac Center for Public Policy ... When I do, I feel it is something I should write about." See *Unscrupulous Land Grab in Wayne County*, GRAND RAPIDS PRESS, Mar. 6, 2002, at A19.]

[Property Doesn't Commit Crimes, People Do](#), Mackinac Center for Public Policy VIEWPOINT ON PUBLIC ISSUES No. 98-15, May 4, 1998.

[The Pervasive Duty to Rescue](#), THE FREEMAN: IDEAS ON LIBERTY, June 1997, at 344 (a publication of the Foundation for Economic Education (FEE)).

[Reprinted in, *inter alia*, WHEN WE ARE FREE 77-80 (Timothy G. Nash et al. eds., Northwood Univ. Press, 5<sup>th</sup> ed. 2007) (collected works with an introduction to the book by Milton Friedman)].

[The True Takings Reform Imperative](#), THE FREEMAN: IDEAS ON LIBERTY, Feb. 1997, at 82 (a publication of the Foundation for Economic Education (FEE)).

[Real Reform in Takings Law](#), Mackinac Center for Public Policy VIEWPOINT ON PUBLIC ISSUES, March 4, 1996.

[Should Bargains Be Illegal?](#), Mackinac Center for Public Policy VIEWPOINT ON PUBLIC ISSUES No. 95-34, December 4, 1995. (Reprinted in, *inter alia*, DETROIT LEGAL NEWS).

#### **SELECTED TESTIMONY, PRESENTATIONS, & MEDIA APPEARANCES**

*Not Including Dozens of Lectures on Myriad Topics at the Intersection of Law and Economics to Hundreds of State and Federal Judges and to Hundreds of Attorneys in State Attorneys General Offices as Part of Professor Kochan's Role as a Regular Lecturer in the Educational Seminars and Institutes of the Law & Economics Center between 2020-present.*

Testimony, U.S. House of Representatives Judiciary Committee (by invitation of the Committee Chair), Subcommittee on Courts, Intellectual Property, and the Internet, "The U.S. Intellectual Property System and the Impact of Litigation Financed by Third-Party Investors and Foreign Entities,"



June 12, 2024. ([Pre-hearing written testimony submitted to the record here](#) / [Full Hearing video recording here.](#))

Testimony, U.S. Senate Hearing Testimony (by invitation of the Committee), U.S. Senate Committee on Agriculture, Nutrition and Forestry, June 26, 2003, “Review Healthy Forests Restoration Act, HR 1904.”

Testimony, State of Idaho Legislature – Federal Lands Interim Committee, Meeting Presentation (by invitation of the committee), August 9, 2013, Boise, Idaho, (2 consecutive individual presentations totaling 1.5 hours of the agenda) “Public Lands and the Federal Government’s Compact-Based ‘Duty to Dispose’” and “A Legal Analysis and Case Study of Utah’s H.B. 148 – The Transfer of Public Lands Act; Perspectives on Idaho’s Opportunities” Audio Archive available [here](#) [Kochan testimony at 1:38:40]

Report Transmittal Testimony, Central Florida Tourism Oversight District, [CFTOD Board of Supervisors Special Meeting](#), December 6, 2023.

[\*Pre-Filed Responsive Expert Testimony of Donald J. Kochan on the Constitutional Meaning of “Public Use” and “Public Purpose” Under the U.S. and Georgia Constitutions\*](#), Document Filing #205548, Aug. 25, 2023, *in* Petition for Approval to Acquire Real Estate by Condemnation, State of Georgia Public Service Commission, Docket #45045.

Expert Testimony and Cross Examination before Georgia Public Service Commission Hearing Officer, Atlanta, Georgia, November 29, 2023, *in* Petition for Approval to Acquire Real Estate by Condemnation, State of Georgia Public Service Commission, Docket #45045. [[Recording Available here](#), at 3:08:07-5:02:22]

Interview, “Property Rights, Regulation, and the Rule of Law,” *Lunch Hour with Federal Newswire* Podcast, Host Andrew Langer, June 9, 2025 [[YouTube Video here](#)] [[Audio Podcast here](#)]

Moderator, [\*Property & Personal Rights: A Discussion of Short-Term Rental Regulations\*](#), Webinar sponsored by the Federalist Society Regulatory Transparency Project (RTP), May 22, 2025 [[YouTube Video here](#)]

Interview, [“Rhode Island’s Dishonest Climate Lawfare,”](#) *In the Dugout with Mike Stenhouse Podcast*, April 10, 2025.

Inaugural Lecturer, *The Justice Dana Kuehn Annual Symposiums on Justice and Law*, Topic: “Mickey’s Empire: A Tale of Power, Politics & Perversion of Process,” University of Tulsa College of Law, Tulsa, Oklahoma, April 3, 2025.

Panelist, [\*Luncheon Roundtable on Third Party Litigation Financing & Litigation Transparency\*](#), sponsored by the Law & Economics Center at George Mason University’s Antonin Scalia Law School, The Conrad Hotel, Washington, D.C., March 26, 2025.

Panelist, [\*State “Climate Superfund” Laws and Related Legal Issues\*](#), Federalist Society Regulatory Transparency Project (RTP), Mayflower Hotel, Washington, D.C., March 12, 2025 [[YouTube Video here](#)]

Lecture, *The Law & Economics Foundations of Separation of Powers, Major Questions, and the Non-Delegation Doctrine*, Cornell Law School Federalist Society, Ithaca, New York, February 25, 2025.

Interview, [Focus on Feb. 19 Executive Order "Ensuring Lawful Governance & Implementing the President's 'Department of Government Efficiency' Deregulatory Initiative."](#) WASHINGTON WATCH WITH TONY PERKINS, February 21, 2025. [\[Video\]](#)

Panelist, [Explainer Episode 85 – Rebuilding California: Lessons from the Pacific Palisades Fire](#), Federalist Society Regulatory Transparency Project Podcast, Feb. 14, 2025. [\[Podcast Audio\]](#)

Featured Panelist, *Federalism Roundtable: Utah v. U.S.—A Potentially Landmark Case on States' Ability to Control Their Destiny*," American Legislative Exchange Council (ALEC) State and Nation Policy Summit, Washington, D.C.

(The panel focused on a groundbreaking original action in the U.S. Supreme Court by the State of Utah and on Professor Kochan's role setting the theoretical legal foundation for Utah's lawsuit in his 2013 article: Donald J. Kochan, [Public Lands and the Federal Government's Compact-Based "Duty to Dispose": A Case Study of Utah's H.B. 148 – The Transfer of Public Lands Act](#), 2013 BYU Law Review 1133 (2013), which can be [downloaded here](#).)

Panelist, *Third Party Litigation Funding*, U.S. Chamber of Commerce Institute for Legal Reform Summit 2024: State Sandbox, Washington, D.C., Nov. 21, 2024.

Panelist, *Showing Their Hand: Third-Party Litigation Funding Transparency, and the Role of the Courts*, U.S. Chamber of Commerce Institute for Legal Reform Summit 2024 | Law • Policy • Politics, Washington, D.C., Nov. 20, 2024

Moderator, *Recent Legislative Responses to Litigation Finance*, Center on Civil Justice at New York University School of Law, New York, NY, October 28, 2024. [\[Video of the panel\]](#).

Lecture by Invitation of the North Carolina Administrative Office of the Courts, *Scientific Methodology and the Evaluation of Scientific Evidence and Expert Testimony*, North Carolina Judicial College Annual Meeting of Superior Court Judges (120 judges attending), UNC School of Government, October 14, 2024.

Panelist, *Pulling Back the Curtain on Third Party Litigation Financing Reforms*, International Association of Defense Counsel 2024 Products Liability Roundtable, New Brunswick, NJ, Sept. 12, 2024.

Panelist, *Third Party Litigation Funding: The Dark Money Driving High-Stakes Litigation*, International Association of Defense Counsel 2024 Annual Meeting, Vancouver, Canada, July 9, 2024.

Lecture, [Climate Change Litigation](#), Federalist Society Portland Lawyers Chapter, The Arlington Club, Portland, Oregon, June 6, 2024.

Reconciling Originalism and the Common Law Authority of State Courts, May 2024; August 2024; August 2022

Panelist, [A Debate on The Right — Climate Lawsuits and Federalism: What Is the Role of State Tort Law?](#), Sponsored by the Manhattan Institute, the Federalist Society, and the C. Boyden Gray

Center for the Study of the Administrative State, Waldorf-Astoria Hotel, Washington, D.C., May 15, 2024. [[Video](#)]

Presenter, *Environment, Social, and Governance Standards: ESG's Perversion of Free Market Facilitating Corporate Purposes*, Cardozo School of Law student chapter of the Federalist Society, New York, New York, March 14, 2024.

Lecture by Invitation of the North Carolina Administrative Office of the Courts, *The Law & Economics of Property Rights and Exchange: Incentive and Innovation*, North Carolina Judicial College Washington, D.C. SCOTUS Oral Argument Annual Field Trip, Washington, D.C., February 21, 2024.

Presenter, *Disney v. Democracy? A Public Choice and Good Governance Analysis of Florida's Reedy Creek Improvement Act of 1967 and Its Resulting Regime*, University of Florida Levin College of Law student chapter of the Federalist Society, Gainesville, Florida, February 15, 2024.

Presenter, *We Have No Bill of Rights! – Why the Framers Did Not Call the First Ten Amendments “The Bill of Rights” and Why That Matters*, Gonzaga University School of Law student chapter of the Federalist Society, Spokane, Washington, January 23, 2024.

Presenter, *Originalism and the Under-Tapped Power of State Constitutions in Our System of Federalism*, University of Michigan Law School student chapter of the Federalist Society, Ann Arbor, Michigan, January 22, 2024.

Panelist, *What Details of TPLF Agreements Should Courts and Parties Know?*, Lawyers for Civil Justice Fall 2023 Member Meeting, New York, NY, December 1, 2023.

Panelist, *Constitutional Interpretation: A Debate and Discussion*, Villanova Law School student chapter of the Federalist Society, Villanova, Pennsylvania (by Zoom), Oct. 18, 2023.

Panelist, *NPPC v Ross: A Frank Discussion on the Most Important Supreme Court Case You Weren't Watching*, Michigan State University College of Law student chapter of the Federalist Society, East Lansing, Michigan, Sept. 20, 2023.

Lecture, *Celebrating Constitution Day: Selected Issues in Constitutional Law*, Winston Churchill High School, Potomac, Maryland, Sept. 18, 2023 (a presentation to 5 sections of high school AP U.S. History totaling over 150 students).

Moderator, [Attorneys Analyze 2022-23 Supreme Court Term](#), C-SPAN, July 21, 2023 [[Video here](#)], (broadcasting the Civil Justice Review of the Supreme Court's 2022-2023 Term, Law & Economics Center, George Mason University Antonin Scalia Law School, Arlington, Virginia, July 21, 2023).

Presentation, “Regulating Finance in an Era of Reinvigorated Judicial Scrutiny of Statutory Authority: Major Questions Doctrine, the Nondelegation Doctrine, and Separation of Powers,” *William & Mary Business Law Review Third Annual Symposium: Regulating Finance in a Changing Administrative State*, Williamsburg, Virginia, April 1, 2023. [[Video here](#).]

Interview, [President Biden's Marijuana Pardons](#), DC News Now, Oct. 10, 2022 (at 4:55).

Panelist, [\*A Seat at the Sitting - October 2022: The October Docket in 90 Minutes or Less\*](#), Sept. 27, 2022.  
[[Video here.](#)]

Lecture, *Celebrating Constitution Day: An Overview of “The Bill of Rights,”* Goochland Middle School, Goochland, Virginia (by Zoom), Sept. 16, 2022.

Lecture, “Fundamentals of Capitalism & the Rule of Law,” The Mackinac Center for Public Policy Summer Interns Lunch Guest Lecture Series, Aug. 3, 2022 (Zoom to Midland, Michigan).

Lecture, “An Introduction to the Study of Law & Economics,” The Fund for American Studies Law Fellows Guest Lecture Series, Washington, D.C., June 27, 2022.

Commentator, Presentation on “State Constitutional Law” by The Honorable Jeffrey S. Sutton, Chief Judge, U.S. Court of Appeals for the Sixth Circuit, Scalia Law School Federalist Society Student Chapter, Arlington, Virginia, April 5, 2022.

Panelist, “The Economic Costs of Lockdowns,” Pacific Legal Foundation Conference: *Responding to Emergency: A Blueprint for Liberty in a Time of Crisis*, The Mayflower Hotel, Washington, D.C., February 3, 2022.

Commentator, Presentation on “The Second Founding: Originalism & the Fourteenth Amendment” by Professor Ilan Wurman of the Arizona State University Sandra Day O’Connor College of Law, Scalia Law School Federalist Society Student Chapter, Arlington, Virginia, September 21, 2021.

Interviewer, [\*Interview with Nobel Laureate Dr. Vernon L. Smith \[2002 Winner of the Nobel Prize in Economic Studies\] on the Future of the Intellectual Defense of Capitalism\*](#), Forum on the Economic & Legal Foundations of Capitalism, Co-Sponsored Event by the Law & Economics Center and the Smith Institute for Political Economy and Philosophy, Laguna Beach, California, September 11, 2021. [[Video here.](#)]

Panelist, [\*Business Roundtable v. Milton Friedman: Reflections on the Second Anniversary of “Redefining” the Purpose of the Corporation\*](#), National Press Club, Washington, D.C., August 18, 2021. [[Video here.](#)]

Panelist, “What is WOTUS: Trump-Era Rules Creates Murky Waters?” panel co-sponsored by ASU Law & Science Students Association (LASSA) and ASU Federalist Society Student Chapter, Arizona State University Sandra Day O’Connor College of Law, October 1, 2020 (by Zoom).

Panelist, [\*“Deep Dive Episode 128 – Can States Trump Interstate Commerce?”\*](#) Regulatory Transparency Project Teleforum, August 20, 2020.

[\*Interdisciplinary Virtual Manuscript Workshop\*](#) (Sponsored by the Institute for Humane Studies (IHS) and the John Templeton Foundation) Donald Kochan’s Forthcoming Book: *Framing the Constitution: The Impact of Labels on Constitutional Interpretation*, Online, March 28, 2020 (by invitation, ten scholars across multiple fields gathered for a full-day conference to discuss manuscript).

Commenter, *New Voices in Administrative Law*, AALS Annual Meeting, Washington, D.C., Jan. 4, 2020.

Faculty Workshop, “The Framing Effects of Labeling Constitutional Products,” George Mason University Antonin Scalia Law School, Arlington, Virginia, December 3, 2019.

Moderator, Panel on “Federalism and the Preemption of State Public Nuisance Actions,” George Mason University Law & Economics Center (co-sponsored by Alliance of California Judges), Dana Point, California, November 9, 2019.

Panelist, “Retroactive Liability, Due Process, and Free Speech: Promotion of Lawful Products in the Wake of *Sherwin-Williams* and *ConAgra*,” George Mason University Law & Economics Center (co-sponsored by Alliance of California Judges), Dana Point, California, November 9, 2019.

Featured Expert, *SCOTUSbrief* video (produced, with animation, by the Federalist Society for Law & Public Policy Studies) previewing the issues expected at the November 6, 2019 U.S. Supreme Court oral argument in *County of Maui v. Hawaii Wildlife Fund*. See video on [YouTube here](#) (released Nov. 5, 2019).

Moderator, [Courthouse Steps Preview Teleforum & Podcast: County of Maui, Hawaii v. Hawaii Wildlife Fund](#), October 31, 2019. Audio podcast available [here](#).

Panelist, “Climate Change Litigation Update” (moderated by the South Carolina Attorney General Alan Wilson), sponsored by Rule of Law Defense Fund, National Press Club, Washington, D.C., October 17, 2019. Video available on [YouTube here](#).

Panelist, “Luncheon Debate: Retroactive Liability, Due Process, and Free Speech: Promotion of Lawful Products in the Wake of *Sherwin-Williams* and *ConAgra*,” *Symposium on the Law & Economics of Consumer Protection*, George Mason University Law & Economics Center, September 30, 2019.

Guest Speaker, “The [Takings] Keepings Clause: Framing Effects in Litigating Property Rights and other Constitutional Law Claims,” *Pacific Legal Foundation (PLF) Brown Bag Discussion Series*, September 19, 2019.

Solicited Expert Commentary, AL JAZEERA ENGLISH, Show: *The Stream*, Topic: “Climate change: Should it be a crime against humanity?” September 18, 2019. Video on [YouTube here](#) at Minute 20:45.

Featured Expert, [Can Cities Sue Oil Companies for Climate Change? \[POLICYbrief\]: Short video featuring Donald Kochan and David Bookbinder](#), Federalist Society for Law & Public Policy Studies, released August 2, 2019. Video on [YouTube here](#).

Featured Panelist, “[Agency Rulemaking: Unnecessary Delegation or Indispensable Assistance?](#)”, co-sponsored by Regulatory Transparency Project and Federalist Society Article I Initiative, National Press Club, Washington, D.C., June 18, 2019. (All panelists remarks were dedicated to discussing my article [Strategic Institutional Positioning: How We’ve Come to Generate Environmental Law Without Congress](#), 6 TEXAS A&M LAW REVIEW 323 (2019)). Video available on [YouTube here](#).

Invited Panelist, Panel on “Democracy, the Courts, and the Deep State: Are We Still a Government of We the People?”, State of Texas Office of Attorney General Constitutional Law Conference, The University of Texas at Austin, June 13, 2019.

Guest, Segment on “Youths’ Climate Change Lawsuit Against US Government Could Still Go To Trial,” NPR/KTTP 89.3 FM “Air Talk”, June 7, 2019, audio available at [link here](#).

Panelist, Teleforum on “Percolating in Washington State: Export-Terminal Permit-Denial Suit Implicates Federalism and Foreign Commerce,” sponsored by the Federalist Society’s Environmental Law & Property Rights Practice Group and Regulatory Transparency Project, April 2, 2019 (with Glenn Lammi of the Washington Legal Foundation). Audio available at [link here](#).

Paper Presentation on “The Framing Effects of Labeling Constitutional Products” at the *Second Annual National Conference of Constitutional Law Scholars*, Rehnquist Ctr., Univ. of Arizona James E. Rogers College of Law, Tucson, AZ, Mar. 9-10, 2019. (selected from competitive call for papers)

Paper Presentation on “Investigating the Origins and Usage Patterns for Constitutional Labels with Corpus Linguistics,” at the *Fourth Annual BYU Law & Corpus Linguistics Conference*, Brigham Young University, Provo, Utah, February 7-9, 2019. (selected from competitive call for papers)

Presenter, “The Framing Effects of Labeling Constitutional Products,” 7-Minute Presentation of Works-in-Progress Panel, 21<sup>st</sup> Annual Federalist Society Faculty Conference, New Orleans, Jan. 4, 2019.

Featured Expert, Regulatory Transparency Project explanatory video, [\[Fourth Branch\] Waters of the United States: Interpreting the Clean Water Act](#) (with Prof. Robert Glicksman of Maryland Law), released Dec. 7, 2018.

Paper Presentation, “The Framing Effects of Labeling Constitutional Products” at *Ninth Annual Loyola Constitutional Law Colloquium*, Loyola University-Chicago Law School, Nov. 2-3, 2018.

Panelist, “Public Nuisance, Climate Change, & Municipal Litigation,” Boston Lawyers’ Chapter of the Federalist Society, October 24, 2018, Boston, Massachusetts. Video available on [YouTube here](#).

Guest Luncheon Speaker, Crowell & Moring LLP Administrative Law & Regulatory Practice Group, “Recent Developments in Administrative Law,” Washington, D.C., October 15, 2018.

Speaker, Georgetown Center for the Constitution’s Fall Speaker Series, “The Framing Effects of Labeling Constitutional Products,” Washington, D.C., September 19, 2018.

Panelist, Professors’ Corner Webinar (American Bar Association webinar sponsored by the Real Property, Trusts & Estates Law Section), *Development, Permitting & Exactions* (with Professor Gregory Stein (Tennessee Law)), July 10, 2018.

Teleforum Presentation, “Municipality Lawsuit on Climate Change & Public Nuisance: Litigation Update,” Federalist Soc’y Env’tl. Law & Property Rights Practice Group Teleforum, July 3, 2018.

Ethics CLE Presentation, “Thinking Like Thinkers: The Lost Art of Critical Reasoning,” Puerto Rico Lawyer’s Chapter of the Federalist Society, San Juan, Puerto Rico, June 13, 2018.

Invited Panelist, *Law Professor’s Panel*, “Takings Law, Permitting Processes, & Hurdles to Justiciability of Property Rights Claims: Reflections from Selected Developments.” *ABA Real Property, Trust & Estate (RPTE) Law Section Spring Symposium*, Orlando, Florida, Mar. 11, 2018.

Workshop Paper Presentation, “The Political Economy of the Language of Property Rights,” Interdisciplinary Workshop on Property & Political Economy, Smith Institute for Political Economy and Philosophy, Chapman University, Orange, California, April 20-21, 2018.



Podcast Panelist, [“The Commenting Power: Agency Accountability through Public Participation,” Free Lunch: A Podcast of the Regulatory Transparency Project](#), March 21, 2018.

Moderator, AALS Section on Property, New Voices in Property Law: Junior Scholars Works-in-Progress Panel, San Diego, California, January 6, 2018.

Moderator, AALS Section on Property, Panel on “Structural Facilitation of Property Markets,” San Diego, California, January 4, 2018. [Podcast here](#).

Invited Panelist on [Environmental Law without Congress: Are Alternatives to Legislation Eclipsing the Congressional Role in Setting Policy Priorities for Environmental Protection?](#), Federalist Society National Lawyers Convention, Washington, D.C., November 18, 2017. [Podcast and Video here](#) (Kochan presentation at 32:30)

An introductory video summarizing my talk is available by clicking [here](#).

*Prior Federalist Society National Lawyer’s Convention Invited Presentations:*

- Invited Panelist, “Property Rights Moving to the Third World; The Forgotten Spark of the Arab Spring,” Federalist Society 2011 National Lawyer’s Convention, Washington, D.C., November 12, 2011, Video available at [link here](#) (with Hernando de Soto, et al.)
- Invited Panelist, “American Courts as the World’s Policemen?: A Debate on the Alien Tort Claims Statute,” Federalist Society 2003 National Lawyer’s Convention, Washington, D.C., November 13-15, 2003.

Workshop Paper Presentation (by invitation), “The Market to Roam,” *Searle Law of Property in Ecology Workshop*, co-sponsored by the Property & Environment Research Center (PERC) and Center for Business Law & Regulation at Case Western Reserve Univ. School of Law, Nov. 9-11, 2017.

Paper Presentation, “Constitutional Rights & Framing Effects: The Keepings Clause” at *Eighth Annual Loyola Constitutional Law Colloquium*, Loyola University-Chicago Law School, Nov. 3-4, 2017.

Invited Panelist, “This Land is Whose Land? Renewed Legal Controversies Over Public Lands,” *ABA Section of Environment, Energy and Resources’ (SEER) 25<sup>th</sup> Annual Fall Conference*, Baltimore, Maryland, October 19, 2017.

Discussant and Moderator, *Property Implications of the Sharing Economy Workshop*, Penn State Law, University Park, Pennsylvania, October 6, 2017.

Invited Panelist, “Law Professor’s Panel,” presentation titled “Traditional Property Principles Confronting a Changing World: Selected Recent Case Developments,” *ABA Real Property, Trust & Estate (RPTE) Law Section Spring Symposium*, Denver, Colorado, April 21, 2017.

Moderator, Panel on “Emerging Areas in Practice and Education” at *Chapman Law Review Symposium* on “The Future of the Legal Profession,” Orange, California, February 10, 2017.

Moderator, AALS Section on Property Junior Scholars Works-in-Progress Program, San Francisco, California, January 4, 2017.

Radio Interview (on issue of National Monument designation authority), “The Show” on KJZZ 91.5, National Public Radio (NPR) in Phoenix, Arizona, January 2, 2017. Audio available at [link here](#).

Paper Presentation on “Invisible ‘Trespass’ and the Limits of the Law: When Augmented Reality-Gaming Uses Other People’s Property as Its Playing Board,” *Whittier Law Review Symposium* on

*Emerging Dilemmas in Entertainment Law: Resolving Technology's New Ethical Concerns*,  
Whittier Law School, Costa Mesa, California, November 11, 2016.

“Property Law Innovations for Conservation Facilitation”

Grand Rapids Lawyers Chapter of the Federalist Society, Grand Rapids, Michigan, October 28, 2016.

Michigan State University College of Law student chapters of the Federalist Society and of the Bull Moose Conservation Law Society, East Lansing, Michigan, October 27, 2016.

Panelist, “Midnight Monuments: The Antiquities Act and the Executive Authority to Designate National Monuments,” A Teleforum Sponsored by the Environmental Law & Property Rights Practice Groups of the Federalist Society, September 23, 2016. Podcast available at [link here](#).

Lone Mountain Fellow Workshop, *The Law & Economics of Pride & Property*, Property & Environment Research Center (PERC), Bozeman, Montana, July 13, 2016.

Plenary Speaker, *Ballot Issues Conference*, Students for Liberty Spring Focus Series (regional conference), California State University-Dominguez Hills, April 30, 2016.

Discussant, Chapman Dialogue Series with Professor Richard A. Epstein, Inaugural Laurence A. Tisch Professor of Law at the New York University School of Law, regarding “Justice Scalia’s Jurisprudential Legacy of Property Rights,” Chapman University Dale E. Fowler School of Law, Orange, California, March 14, 2016.

Panelist, Professors’ Corner Webinar (American Bar Association webinar sponsored by the Real Property, Trusts & Estates Law Section), [Understanding Inquiry Notice: Its Utility, Risks, and Doctrinal Complexities](#) (with Professor Jim Smith (Georgia Law)), March 8, 2016.

Presenter, “The Law and Economics of Corporate Social Responsibility,” presentation sponsored by the University of Mississippi Federalist Society, Oxford, Mississippi, February 22, 2016.

Moderator, Panel on “Administering the Adherence: Developments and Issues with Sports Administration and Compliance” at the 2016 Chapman Entertainment & Sports Law Symposium on “Relationships, Regulations & Compliance: Forces of Change in Sports Law and Business,” Orange, California, February 12, 2016.

Panelist, “Federalism, the Environment, Land Use, and Energy Independence,” Tenth Annual Federalist Society Western Chapters Conference on “Federalism and Freedom,” Ronald Reagan Presidential Library, Simi Valley, California, January 30, 2016. Video available at [link here](#). (Kochan presentation begins at 44:23).

Moderator, Panel on “The Corporate Perspective: Corporate Duties and Responsibilities Relating to Cyberattacks” at the 2016 *Chapman Law Review* Symposium on “Cyber Wars: Navigating Responsibilities for the Public and Private Sector,” Orange, California, January 29, 2016.

“Reading Adam Smith in Arabic: Building Western Institutions and Promoting Western Liberal Values in Countries in Transition,” presentation sponsored by the Federalist Society Student Chapter at Rice University, Houston, Texas, October 19, 2015.



Paper Presentation, “Predictable Place-Based Regulatory Responses to Pot-Related Properties: A Familiar Story of Neighbors and Nuisances, Permits and Power, & Baptists and Bootleggers,” Texas A&M *Journal of Property Law* 2015 Symposium, Fort Worth, Texas, October 16, 2015.

Paper Presentation, “Cross-Pollination Possibilities in the Jurisprudence of the Business Judgment Rule and the Public Use Clause”, Association for Law, Property, and Society (ALPS) 2015 Annual Meeting, University of Georgia School of Law, Athens, Georgia, May 1, 2015.

Moderator for Panel on “Property Law, Foreclosure, and the Home” at the Association for Law, Property, and Society (ALPS) 2015 Annual Meeting, University of Georgia School of Law, Athens, Georgia, May 1, 2015.

Radio Interview, Morning Buzz with John Birbari, Radio Interview regarding public lands in Wyoming and the West, April 29, 2015, broadcast across Wyoming on KVOW-AM 1450, KTAK-FM 93.9, 104.1 Lander, 106.3 Dubois, KFCW-FM 93.1, 95.3 Lander/KDNO-FM 101.7/KWYW-FM 99.1.

Discussant, SoCLASS III: Regulation, Law and Social Science, Panel on “Case Studies of Regulation,” University of Southern California, Los Angeles, California, March 27, 2015.

Discussant, Chapman Dialogue Series with Nestor Davidson, Associate Dean for Academic Affairs and Professor of Law at Fordham Law School, regarding “The Administrative City-State: Administrative Law in Local Governance,” Chapman University Dale E. Fowler School of Law, Orange, California, March 24, 2015.

“Gridlock is Good: The Founders Vision, Cost-Enhancing Rules, Prudent Barriers to Legislation, and the Checks on Interest Group Behavior,” Milwaukee Federalist Society Lawyers Chapter, Milwaukee, Wisconsin, January 15, 2015.

Faculty Workshop, Marquette University Law School: “A Framework for Understanding Property Regulation & Land Use Control from a Dynamic Perspective,” January 14, 2015.

Moderator for Panel on “Nurturing Innovation to Revive California’s Economy” at the 2014 *Nexus Journal of Law & Policy* Symposium, *Regulating California Businesses: Are Current Laws Best Serving the State’s Economic Interests or Has the Sun Set on California?*, Orange, California, October 24, 2014.

Paper Presentation, “Judging from a Position of Suspended Conclusion: A Perspective on the Judicial Neutrality Obligation and the Risks of Cognitive Biases that Impair It,” (selected from competitive call for papers), [Works in Progress Conference on Judicial Education and the Art of Judging: From Myth to Methodology](#), University of Missouri School of Law, October 9-10, 2014.

“Eminent Domain and the Abuse of ‘Public Use’ for Private Gain: *Kelo*, Blight, Burger King and More,” University of Missouri-Kansas City School of Law Federalist Society, Kansas City, Missouri, October 8, 2014.

Panelist, “Public Land Controversy: The States v. The Federal Government,” A Teleforum Sponsored by the Environmental Law & Property Rights and the Federalism & Separation of Powers Practice Groups of the Federalist Society, June 24, 2014. Podcast available at [link here](#).

Discussant, Chapman Dialogue Series presentation by Professor Laura Underkuffler (Cornell Law School) regarding “Captured By Evil, Morals, Markets, and the Rule of Law,” Chapman

Dialogue Series, Chapman University Dale E. Fowler School of Law, Orange, California, April 10, 2014.

Paper Presentation, [“Economic Perspectives on the Fourth Generation of Environmental and Natural Resources Law,”](#) Panelist Presentation at “Environmental Law 4.0: Adaptive and Resilient,” *Journal of Environmental & Sustainability Law Symposium*, University of Missouri School of Law, Columbia, Missouri, Feb. 14, 2014. Video available [here](#).

Expert Commentary, [“The Real Miyagi's Dojo Threatened: Santa Ana Favors Foliage over Small Businesses”](#) (short news documentary produced and aired by *ReasonTV*), Jan. 2, 2014.

“Koontz, Property Rights, and the Extreme Power of Permitting Agencies: When is an Exaction More Like Extortion?,” University of Georgia School of Law Federalist Society, Athens, Georgia, October 29, 2013.

“Reading Adam Smith in Arabic: Building Western Institutions and Promoting Western Liberal Values in Countries in Transition,” Presentation Sponsored by the Muslim Law Student Association and the Federalist Society Student Chapter at Western State College of Law, Fullerton, California, October 7, 2013.

Speaker/Panelist, “The Law and Economics of Redevelopment: *Kelo* and Beyond,”  
U.C.-Irvine School of Law Federalist Society, Irvine, California, September 30, 2013.  
USC School of Law Federalist Society, Los Angeles, California, April 22, 2014  
Cornell Law School Federalist Society, Ithaca, New York, April 21, 2008 (debate)

“Anti-Interference: A Libertarian Perspective on Equality, with an Emphasis on the Cases on Same Sex Marriage and Affirmative Action,”  
Loyola Law School, Los Angeles Federalist Society, Los Angeles, California,  
September 24, 2013.  
University of the Pacific McGeorge School of Law Federalist Society, Sacramento, California,  
October 10, 2013.

Discussant, “Conservative Principles for Environmental Reform,” A Teleforum Sponsored by the Environmental Law and Property Rights Practice Group of the Federalist Society, May 16, 2013. Internet Podcast available at [link here](#).

Panelist, “The Future of Publicly Owned Lands,” A Teleforum Sponsored by the Environmental Law and Property Rights Practice Group of the Federalist Society, January 18, 2013 (debate). Internet Podcast available at [link here](#).

Speaker, “The Law and Economics of Corporate Social Responsibility,” Hamline University School of Law Federalist Society, St. Paul, Minnesota, November 5, 2012.

[“The 1789 Alien Tort Statute and Human Rights Abuses Today,”](#) luncheon sponsored by the Federalist Society International Law and National Security Practice Group and the Orange County Lawyers Chapter, Irvine, California, June 21, 2012 (panelist).

[“Global Governance vs. National Sovereignty: Is it the West’s Next Great Ideological War?”](#) American Freedom Alliance International Conference, Los Angeles, California, June 10-11, 2012 (panelist on two panels: “The Politicization of International Law and its Impact upon National

Sovereignty” (showcase panel) and “Lawfare, International Humanitarian Law and their role in Undermining Sovereignty” (breakout panel)).

“The Alien Tort Statute, *Kiobel*, and the Perils and Illegitimacy of Creating Corporate Liability in International Law,”

Whittier Law School Federalist Society, Nov. 17, 2011

Seton Hall School of Law Federalist Society, Newark, New Jersey, Feb. 27, 2012

Rutgers-Newark School of Law Federalist Society, Newark, New Jersey, February 28, 2012

William Mitchell College of Law Federalist Society, St. Paul, Minnesota, March 19, 2012

Hamline University School of Law Federalist Society, St. Paul, Minnesota, March 20, 2012

Thomas M. Cooley Law School Federalist Society, Lansing, Michigan, March 26, 2012

University of Memphis Federalist Society, Memphis, Tennessee, April 3, 2012

Creighton University School of Law Federalist Society, Omaha, Nebraska, April 9, 2012

Hofstra University School of Law Federalist Society, Hempstead, New York, April 16, 2012

University of Arizona School of Law, Tucson, Arizona, September 18, 2012

“Proposition 8, Constitutional Law v. Policy, and Same Sex Marriage in an Anti-Interference Perspective on Equality,”

Benjamin N. Cardozo School of Law Federalist Society, New York, New York, March 1, 2012

Univ. of California-Davis School of Law Federalist Society, Davis, California, March 5, 2012

California Western School of Law Federalist Society, San Diego, California, March 13, 2012

Univ. of California Irvine School of Law Federalist Society, Irvine, California, April 12, 2012

Federalist Society SCOTUS-Cast on Oral Argument in *PPL Montana v. State of Montana*, Dec. 20, 2011.

Audio available at <http://www.fed-soc.org/multimedia/detail/ppl-montana-llc-v-montana-post-argument-scotuscast>.

“Property Rights Moving to the Third World; The Forgotten Spark of the Arab Spring,” Federalist Society 2011 National Lawyer’s Convention, Washington, D.C., November 12, 2011 (panelist),

Video available at <http://www.fed-soc.org/multimedia/detail/property-rights-the-forgotten-spark-of-the-arab-spring-event-audiovideo>.

Paper Presentation, “Civil Resistance and the Law: Non-Violent Transitions to Democracy,” *West Virginia Law Review* Symposium, November 10, 2011 (invited panelist).

“[The Rise of Lawfare, the Politicization of International Law and the Challenges to U.S. Sovereignty](#),”

American Freedom Alliance International Conference of the Air, January 16, 2011 (panelist).

[Audio available](#) (presentation at hour 3).

KUCI, 88.9 FM, *The Docket*, June 17, 2010, U.C. Irvine Radio: “The Seventeenth Amendment.”

“Beyond Copenhagen: An International Conference on Climate Change,” Panel on “International Law,” Chapman University, Orange, California, April 23, 2010 (moderator).

“Federal Court Standards for Ripeness in Takings Claims,” Federalist Society Podcast, March 2010 (moderator), audio available at <http://www.fed-soc.org/multimedia/detail/federal-courts-standards-for-ripeness-and-takings-claims-podcast>.

“[Corporations and International Law](#),” Santa Clara University School of Law, Santa Clara Journal of International Law Symposium, Santa Clara, California, March 12-13, 2010 (panelist)

“The Constitutionality of the Pending Health Care Reform Legislation,” Chapman University School of Law, Orange, California, February 4, 2010 (moderator).

“The 80th Anniversary of the Great Crash of 1929: Law, Markets, and the Role of the State,” Chapman University School of Law, Orange, California, October 30, 2009 (panelist).

“Want a Building Permit? Then Give Up Your Right to Vote? – And Other Land Use Regulation Stories,” Chapman University School of Law, Orange, California, March 11, 2009 (panelist)

“Hobbesian Man, Lockean World – Have We Solved the Conflict? Eminent Domain and the State as the Proverbial Hobbesian Man in the Displacement of Property Rights,” University of San Diego School of Law Federalist Society, San Diego, California, April 16, 2008 (presenter with commenter)

“Eminent Domain, Property Rights, and Ballot Proposals: Where Do the Government Powers End and the Citizens’ Rights Begin? – A Post-*Kelo* Discussion,” Chapman University School of Law, Orange, California, April 15, 2008 (panelist)

“Global Markets and International Law,” University of Indiana-Indianapolis School of Law Federalist Society, Indianapolis, Indiana, April 3, 2008 (presenter)

“Litigation and Human Rights: Universal Jurisdiction, Liability Risks, and the Effects on Investment and Entrepreneurship in Developing and Troubled Nations,” Case Western Reserve University School of Law Federalist Society, Cleveland, Ohio, March 21, 2008 (presenter)

“The Law and Economics of Judicial Behavior: Questioning Decisional Outcomes,” Regent University School of Law Federalist Society, Virginia Beach, Virginia, March 19, 2008 (presenter)

The Hugh Hewitt Show, October 18, 2007, Topic: Hoax or Horror Stories? (debate)

The Hugh Hewitt Show, October 2, 2007, Topic: Lawsuits and Tort Reform – The *Stoneridge* Case

“How Should the Courts Interpret Split Decisions?” Federalist Society Audio Webcast/Teleconference, Washington, D.C., June 21, 2007 (panelist), audio available at <http://www.fed-soc.org/multimedia/detail/how-should-the-courts-interpret-split-decisions-event-audio>.

“Celebrity and the Law,” Federalist Society Orange County Lawyers Chapter, Irvine, California, May 23, 2007 (discussant); Federalist Society Los Angeles Lawyers Chapter, Los Angeles, California, May 22, 2007 (discussant).

Moderator, “Miranda in Modern Practice: Does it Protect the Innocent or the Guilty,” Panel 3 at Symposium: “*Miranda* at 40: Applications in a Post-Enron, Post 9/11 World: Introduction *Miranda* at 40: Post-Enron, Post-9/11 World,” Chapman University School of Law, Orange, California, January 26, 2007.

The Hugh Hewitt Show, October 13, 2006, Topic: Eminent Domain: Merits and Fallout from the Supreme Court’s *Kelo* Decision.

Moderator for Panel, “Empirical Law & Economics,” Southeastern Association of Law Schools (SEALS) Annual Conference, July 17, 2006, Palm Beach, Florida.

“You Mean, I Can’t Do That? Emerging Issues in Human Resources-Related Employment Discrimination Law and Liability,” Chapman University School of Law, April 12, 2006, Orange, California (panelist).

Moderator for Panel, “Historical Perspectives on War and Insecurity,” Center for Global Trade and Development 2d Annual Symposium: “Are We At War?,” Chapman University School of Law, April 6, 2006, Orange, California.

“Runoff and Reality: Externalities, Economics and Traceability Issues in Urban Runoff Regulation,” Chapman University Law Review Symposium, Orange, CA, January 27, 2006 (panelist).

“Dangerous Liaisons: Insurance, Moral Hazards, Crises, Property Rights, Risky Places, and Human Decisions,” on the “Fire, Famine, Flood and Pestilence: Man v. Nature” panel, UCLA Public Policy Program, 20th Annual Land Use Law and Planning Program, January 20, 2006, Los Angeles, California (panelist).

NPR, 89.3 KPCC Radio, December 30, 2005; Topic: “New State Laws - A Year in Review” (1 hour segment on California legislative developments).

Fox News Channel, The O’Reilly Factor (hosted by John Kasich), December 29, 2005; Interview on Josephs v. PacBell and the Ninth Circuit’s View of ADA Protection for the criminally insane.

“The Jurisprudence of Justice Antonin Scalia,” Chapman University School of Law Federalist Society Student Chapter, August 24, 2005, Orange, California.

“The Jurisprudence of Justice Antonin Scalia,” Southeastern Association of Law Schools (SEALS) Annual Conference, July 21, 2005, Hilton Head, South Carolina (panelist).

Guest Lecturer, Chapman University; Course: Environmental Economics, Orange, California, May 2005.

Chapman University School of Law’s Center for Global Trade and Development Inaugural Symposium, Panel #2: “Labor Rights, Human Rights and Democracy in Distress”, Orange, California, February 24, 2005: Moderator and Presenter on panel “Litigating Human Rights and Labor Standards in Domestic and Foreign Forums.”

Panelist, Implications of the Film “Fahrenheit 911” (an interdisciplinary post-viewing panel of Chapman professors) (2005).

Defense Research Institute, “Supreme Court Review,” Civil Rights and Government Tort Liability Annual National Conference, San Diego, California, January 28, 2005.

Chapman University School of Law, Faculty Workshop, “Civil Actions and the Destruction of Reciprocity Effects in International Law: The Inefficiency of Civil Enforcement of International Norms,” 2003.

Faculty and Law & Economics Workshop, University of Virginia School of Law, Charlottesville, Virginia, November 10, 2003: “The Political Economy of the Production of Customary International Law: The Role of NGOs and United States Courts”

Panelist, *American Courts as the World's Policemen?: A Debate on the Alien Tort Claims Statute*, Federalist Society 2003 National Lawyer's Convention, Washington, D.C., November 13-15, 2003.

Rocky Mountain Mineral Law Foundation 49th Annual Institute, San Diego, California, July 25, 2003: "An Examination of Increasing Protection for Sacred Sites and the Trust Responsibilities of the Federal Government."

Washington Legal Foundation Media Briefing, Washington, D.C., March 12, 2003: "Alien Tort Claims Lawsuits: Advancing Human Rights or Undermining U.S. Businesses and Policy?" (panelist)

Faculty Workshop, George Mason University School of Law, Arlington, Virginia, February 11, 2003: "The Political Economy of the Production of Customary International Law: The Role of NGOs and United States Courts."

Institut für Recht und Ökonomik Doctoral Seminar in Law & Economics, Fachbereich Rechtswissenschaft, Universität Hamburg, February 6, 2003: "Legislative versus Popular Election of Senators and Delegates in the United States and the European Union: Lessons for State Legislative Sovereignty from the American Seventeenth Amendment Experience."

Robert A. Levy Workshop in Law & Liberty, George Mason University School of Law, Arlington, Virginia, November 14, 2002: "The Role of Domestic Courts in the Face of Growing NGO Investment in 'International Law': Why, How, and At What Consequence?"

Annual Meeting of the Interstate Mining Compact Commission, Hot Springs, Arkansas, April 23, 2001: "Historic Preservation Issues Affecting the Mining Industry."

Environmental Law in the 21<sup>st</sup> Century, Conference Sponsored by the Federalist Society, Lewis & Clark College Northwestern School of Law, Portland, Oregon, October 25, 2001: moderator of panel on free market principles in the regulation of air, water and hazardous waste.

Mackinac Center "Issues and Ideas" Luncheon, Lansing, Michigan, July 1999: "The State of Property Rights and Takings Law in Michigan."

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**WEB BIO:** [https://www.law.gmu.edu/faculty/directory/fulltime/kochan\\_donald](https://www.law.gmu.edu/faculty/directory/fulltime/kochan_donald)

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