

**TODD S. AAGAARD**  
Villanova University Charles Widger School of Law  
299 N. Spring Mill Road  
Villanova, PA 19085  
610-519-7006  
aagaard@law.villanova.edu

**EXPERIENCE**

**Villanova University School of Law** **Villanova, PA**  
*Professor of Law* 2014-Present  
*Associate Professor* 2011-2013  
*Assistant Professor* 2008-2010  
Teach classes in environmental law, energy law, property law, administrative law, and risk regulation. Research interests focus on environmental law, energy law, and administrative law.

*Vice Dean* 2015-2019  
Oversaw academic affairs, admissions, financial aid, career strategy, finance and administration, library, Centers of Excellence, and faculty research.

**U.S. Department of Justice, Environment & Natural Resources Division** **Washington, DC**  
*Attorney, Appellate Section* 1999-2007  
*Law Clerk, Policy, Legislation, & Special Litigation Section* Summer 1997  
Briefed and argued civil and criminal cases in federal courts of appeals in the areas of environmental law, natural resources law, Indian law, and administrative law. Drafted merits briefs and certiorari opposition briefs in several Supreme Court matters.

**Chambers of Judge Guido Calabresi,**  
**United States Court of Appeals for the Second Circuit** **New Haven, CT**  
*Law Clerk* 1998-1999

**EDUCATION**

**University of Michigan School of Natural Resources and the Environment, M.S.,** Natural Resources and Environment, 1998

Thesis: *EPA's Regulation of Occupational Health Risks Under TSCA*

**University of Michigan Law School, J.D., magna cum laude,** 1997

Honors: Order of the Coif  
Henry M. Bates Memorial Scholarship Award

Activities: *Michigan Law Review*  
Editor-in-Chief (1997-98)  
Associate Editor (1996-97)  
*Michigan Journal of Race & Law*  
Executive Editor (1996-97)  
Associate Editor (1995-96)

**Pomona College**, B.A., Economics and Government/Public Policy Analysis (double concentration), 1992

Honors: Vieg Prize in Government  
Pomona Scholar, 1990-1992

Thesis: *Costly Information and Social Change*

### **ADDITIONAL EXPERIENCE**

**Abt Associates Inc.**

*Research Assistant*

Conducted economic and risk-based environmental policy analyses under contract to Environmental Protection Agency and World Bank.

**Bethesda, MD**

*1992-1994*

### **PUBLICATIONS**

*The Complexity Dilemma in Policy Market Design*, 30 DUKE ENVTL. L. & POL'Y F. (forthcoming 2019) (with Andrew N. Kleit)

*Agencies, Courts, First Principles, and the Rule of Law*, 70 ADMIN. L. REV. 771 (2018).

*What Legal Scholarship Can Contribute to Environmental Law*, in PERSPECTIVES ON ENVIRONMENTAL LAW SCHOLARSHIP 10 (Ole W. Pedersen ed., Cambridge University Press 2018).

PRACTICING ENVIRONMENTAL LAW (Foundation Press 2017) (with David Owen and Justin Pidot).

*Environmental Regulation and Environmental Rights*, 61 VILL. L. REV. 385 (2016)

*Energy-Environment Policy Alignments*, 90 WASH. L. REV. 1517 (2015).

*Environmental Law's Heartland and Frontiers*, 32 PACE ENVTL. L. REV. 511 (2015) (invited symposium).

*Using Non-Environmental Law to Accomplish Environmental Objectives*, 30 J. LAND USE & ENVTL. L. 35 (2014) (invited symposium).

*Environmental Law Outside the Canon*, 89 IND. L.J. 1239 (2014).

*A Functional Approach to Risks and Uncertainties under NEPA*, 1 MICH. J. ENVTL. & ADMIN. L. 87 (2012).

*Regulatory Overlap, Overlapping Legal Fields, and Statutory Discontinuities*, 29 VA. ENVTL. L.J. 237 (2011).

*Environmental Harms, Use Conflicts, and Neutral Baselines in Environmental Law*, 60 DUKE L.J. 1505 (2011)

*Environmental Law as a Legal Field: An Inquiry in Legal Taxonomy*, 95 CORNELL L. REV. 221 (2010)

*Factual Premises of Statutory Interpretation in Agency Review Cases*, 77 GEO. WASH. L. REV. (2009)

*A Fresh Look at the Responsible Relation Doctrine*, 96 J. CRIM. L. & CRIMINOLOGY 1245 (2006)

*Note, Identifying and Valuing the Injury In Lost Chance Cases*, 96 MICH. L. REV. 1335 (1998)

## **PRESENTATIONS**

*Energy Capacity Markets*, Nineteenth Institute for Natural Resources Law Teachers, Missoula, Montana, May 30, 2019.

*The Complexity Dilemma in Policy Market Design*, Fifth Annual Sustainability Conference of American Legal Educators, Arizona State University Sandra Day O'Connor College of Law, May 10, 2019.

*Major Federal Environmental Decisions*, Pennsylvania Bar Institute Environmental Law Forum, Harrisburg, Pennsylvania, April 4, 2019.

*Strategies to Address Uncertainty and Transition in Environmental Law* (host and panel moderator), Villanova University Charles Widger School of Law, February 8, 2019.

*First Principles and Administrative Agencies*, Fourth Annual Sustainability Conference of American Legal Educators, Arizona State University Sandra Day O'Connor College of Law, May 11, 2018.

*Standing at the Intersection of Robinson Township and Trump: Current Issues in Real Estate Development and Environmental Law* (host and panel moderator), Villanova University Charles Widger School of Law, February 9, 2018.

*Administrative Enforcement and the Rule of Law*, Third Annual Benjamin D. Fields Lecture on the Administrative Enforcement of Environmental Laws, U.S. Environmental Protection Agency Region III, Philadelphia, Pennsylvania, November 30, 2017.

*Reframing Energy Development on Public Lands to Enhance Public Deliberation*, Bridging Divides: Energy, Environment, and Empowerment in a New Era, 37th Biennial Public Land Law Conference, University of Montana Alexander Blewett III School of Law, October 13, 2017.

*Explaining Energy Law*, Faculty Workshop, University of Kansas School of Law, April 7, 2017.

*Explaining Energy Law*, Faculty Workshop, Penn State Law, April 3, 2017.

*Implementing the Frank R. Lautenberg Chemical Safety for the 21st Century Act* (host and panel moderator), Villanova University Charles Widger School of Law, February 10, 2017.

*Smart Climate Primacy*, The Road to Paris: Multidimensional Action to Address Climate Change Workshop, University of Minnesota Law School, October 28, 2015.

*Smart Climate Primacy*, Climate Change, Energy, and Natural Resources Law & Policy Works-in-Progress Symposium, University of Colorado Law School, August 7, 2015.

*Rethinking the Energy-Environment Divide*, Sustainability Conference of American Legal Educators, Arizona State University Sandra Day O'Connor College of Law, May 8, 2015.

*Value-Added NEPA Lawyering*, Pennsylvania Bar Institute Environmental Law Forum, Harrisburg, Pennsylvania, April 9, 2015.

*Environmental Law's Heartland and Frontiers*, Reconceptualizing the Future of Environmental Law, Pace Law School, March 20, 2015.

*Clean Air Act Source Aggregation and Oil and Gas Production*, Air Quality: Health, Energy and Economics, University of Utah S.J. Quinney College of Law, March 6, 2015.

*Pennsylvania Environmental and Energy Update* (host and panel moderator), Villanova University School of Law, February 20, 2015.

*Rethinking the Energy-Environment Divide*, Environmental Law Distinguished Speaker Series, Widener University Commonwealth Law School, February 18, 2015.

*Rethinking the Energy-Environment Divide*, Colloquium on Environmental Scholarship, Vermont Law School, October 4, 2014.

*The Impact of Robinson Township on Oil and Gas Development in PA and Beyond*, Montgomery County Bar Association, Norristown, Pennsylvania, May 15, 2014.

*Rethinking the Energy-Environment Divide*, Faculty Workshop, University of Richmond School of Law, April 11, 2014.

*Green Tweets: The Promise and Peril of Advancing Corporate Social Responsibility Through Social Media* (host and panel moderator), Villanova University School of Law, April 4, 2014.

*Using Non-Environmental Law to Accomplish Environmental Objectives*, Environmental Law Without Congress Symposium, Florida State University School of Law, February 28, 2014.

*Inculcating Trans-Substantive Values in the Administrative State*, Colloquium on Environmental Scholarship, Vermont Law School, October 11, 2013.

*Inculcating Trans-Substantive Values in the Administrative State*, Faculty Workshop, Rutgers School of Law (Camden), September 30, 2013.

*Emerging Legal Issues: Federal vs. State Rights Impacting the Oil and Gas Business*, Shale Insight 2013 Conference, Philadelphia, Pennsylvania, September 26, 2013.

*Structure, Integration, and Trans-Substantivity in the Administrative State*, Junior Environmental Law Scholars Workshop, American University—Washington College of Law, June 28, 2013.

*Trans-substantive Structural Environmental Law*, Faculty Workshop, Marquette University Law School, April 25, 2013.

*Trans-substantive Structural Environmental Law*, Faculty Workshop, University of Wisconsin Law School, April 24, 2013.

*Decarbonization: A New Direction for Climate Change Policy?* (host and panel moderator), Villanova University School of Law, April 13, 2013.

*Major Federal Environmental Decisions and NEPA Developments*, Pennsylvania Bar Institute Environmental Law Forum, Harrisburg, Pennsylvania, April 11, 2013.

*Adventures in Standing: The Lost Case of Edwards v. First American Financial Corp.*, Reunion Weekend, Villanova University School of Law, November 3, 2012.

*Environmental Law Outside the Canon*, Colloquium on Environmental Scholarship, Vermont Law School, October 12, 2012.

*Environmental Law Outside the Canon*, Junior Environmental Law Scholars Workshop, University of Washington School of Law, July 19, 2012.

*Environmental Law Outside the Canon*, Faculty Workshop, American University—Washington College of Law, April 13, 2012.

*Major Federal Environmental Decisions and NEPA Developments*, Pennsylvania Bar Institute Environmental Law Forum, Harrisburg, Pennsylvania, March 29, 2012.

*A Functional Approach to Risks and Uncertainties under NEPA*, Environmental Law and Policy Program Speaker Series, University of Michigan Law School, March 6, 2012.

*The New Fuel Economy Standards: Driving Environmental Law into the Future* (host and panel moderator), Villanova University School of Law, February 11, 2012.

*The Future of Pennsylvania Electricity Markets* (co-organizer and panel moderator), Matthew J. Ryan Law and Public Policy Forum, Villanova University School of Law, November 4, 2011.

*Major Federal Environmental Decisions and NEPA Developments*, Pennsylvania Bar Institute Environmental Law Forum, Harrisburg, Pennsylvania, April 7, 2011.

*Regulatory Overlap and Statutory Discontinuities*, Faculty Workshop, University of Cincinnati School of Law, February 4, 2011.

*Renewable Energy Development and Wildlife* (host and panel moderator), Villanova University School of Law, January 29, 2011.

*Regulatory Overlap and Statutory Discontinuities*, Faculty Workshop, University of Maryland Law School, October 28, 2010.

*Environmental Harms, Use Conflicts, and Neutral Baselines in Environmental Law*, Colloquium on Environmental Scholarship, Vermont Law School, October 22, 2010.

*A Use Conflict Framework for Environmental Law*, Faculty Workshop, Temple University School of Law, November 9, 2009.

*‘Shale’ We Drill? The Legal and Environmental Impacts of Extracting Natural Gas from Marcellus Shale* (host and panel moderator), Villanova University School of Law, January 30, 2010.

*Recent Environmental Law Scholarship*, Appellate Section Retreat, U.S. Department of Justice, Environment & Natural Resources Division, Shepherdstown, West Virginia, June 2009.

*Environmental Law as a Legal Field: An Inquiry in Legal Taxonomy*, Faculty Workshop, Boston College Law School, January 16, 2009.

*Climate Change and NEPA* (host and panel moderator), Villanova University School of Law, October 25, 2008.

*Factual Premises of Statutory Interpretation in Agency Review*, Faculty Workshop, University of Oregon School of Law, February 2008.

*Sentencing and Collateral Consequences*, Criminal Enforcement of Environmental Laws, ALI-ABA Course of Study, Washington, D.C., October 5, 2007.

*Environmental Justice and Environmental Impact Assessments*, The State of Environmental Justice in America 2007, Howard University School of Law, March 30, 2007.

## **SERVICE**

Strategic Planning Task Force (2010-2011; 2012-2016; Chair, 2015-2016; Vice Chair, 2018-2019)

Alumni & Development Committee, ex officio (2018-2019)

Learning Outcomes Task Force (2016-2019)

Dean's Advisory Committee (2016-2019)

Admissions Committee, ex officio (2015-2019)

Career Strategy Committee, ex officio (2015-2019)

ABA Self Study Committee (2015-2018)

Experiential Learning Committee, ex officio (2016-2018)

Dean Search Committee (2016)

Education Law Society, Faculty Advisor (2015-2016)

Faculty Committee, Chair (2014-2015)

Academic Committee, Chair (2011-2014)

Legal Writing Advisory Committee (2011-2012)

Dean's Task Force on Administrative Structure (2011)

Appointments Committee (2010-2011)

Public Interest Programs Committee (2010-2011)

Graduation Awards Committee (2009-2010)

Clerkship Committee (2008-2011)

Dean's Commission on Inclusiveness (2008-2010)

Curriculum Committee (2008-2009)

Environmental and Energy Law Society, Faculty Advisor (2010-Present)

Villanova Environmental Law Journal, Faculty Advisor (2008-Present)

Delaware Valley Environmental American Inn of Court (2008-Present)