

Curriculum Vitae

KENNETH M. MURCHISON

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Home

403 Polytech Drive
Baton Rouge, LA 70808
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email: kmurchison@gmail.com

Personal Data

Place of Birth: Alexandria, LA
Date of Birth: April 24, 1947
Family Status: Married, 2 adult children

Education

Undergraduate

B.A. (History), 1969 (summa cum laude)
Louisiana Polytechnic Institute
Ruston, Louisiana 71270

Legal

J.D., 1972
University of Virginia
Charlottesville, Virginia 22901

Graduate

M.A. (History), 1975
University of Virginia
Charlottesville, Virginia 22901

S.J.D., 1988
Harvard Law School
Cambridge, Massachusetts 02138

Employment

March 1996 to Present
James E. and Betty M. Phillips Professor
Paul M. Hebert Law Center
Louisiana State University
Baton Rouge, LA 70803

Spring Semester 2007
Frank Spain Endowed Chair (Visiting Chairholder)
University of Alabama School of Law
Tuscaloosa, AL 35487

August 1996 to June 1997
Visiting Civilian Professor
Department of Law
United States Military Academy
West Point, NY 10996

October 1988 to March 1996
J. Denson Smith Professor
Paul M. Hebert Law Center
Louisiana State University
Baton Rouge, LA 70803

August 1992 to August 1993
Natural Resources Law Institute Fellow
Northwestern School of Law
Lewis and Clark College
Portland, OR 97029

August 1986 to October 1988
Professor of Law
Paul M. Hebert Law Center
Louisiana State University
Baton Rouge, LA 70803

August 1980 to July 1986
Associate Professor of Law
Paul M. Hebert Law Center
Louisiana State University
Baton Rouge, LA 70803

August 1983 to May 1984
Visiting Associate Professor
T. C. Williams School of Law
University of Richmond
Richmond, VA 23173

July 1977 to August 1980
Assistant Professor of Law
Paul M. Hebert Law Center
Louisiana State University
Baton Rouge, LA 70803

May 1975 to July 1977
Editor, *The Air Force Law Review*, and Instructor, Air
Force Judge Advocate General School
Maxwell AFB, AL 36112

September 1973 to May 1975
Assistant Staff Judge Advocate
Altus AFB, OK 73521

August 1972 to August 1973
Law Clerk to Judge John D. Butzner, Jr.
United States Court of Appeals for the Fourth Circuit
Richmond, VA 23217

**Recent Teaching
Assignments**

Constitutional Law
Introduction to Environmental Law
Constitutional History
Environmental Law Seminar
Local Government Law

**Current Research
Projects**

*Influences and Influence: Assessing the Impact of Justice
Sandra Day O'Connor on Constitutional Doctrine* (draft
manuscript)

*Earning Its Reputation: The Labor Law Decisions of the
Taft Court* (partial manuscript)

*Ideology Over Principle: Justice Scalia and the Takings
Clause* (partial manuscript)

*New Orleans and Supreme Court History: The Fourteenth
Amendment Decisions of the Nineteenth Century* (speech
given to the Southern Association of Bar Association
Presidents)

*The Holographic Will: A Civilian Contribution to the Law of
the United States*

Publications

Books and Book Entries

The Snail Darter Case: TVA Versus the Endangered Species Act (University of Kansas Press, April 2007)

Federal Criminal Law Doctrines: The Forgotten Influence of National Prohibition (Duke University Press, 1994)

Heroism in the Midst of Tragedy: Judge Horton and the Scottsboro Boys in Screening Justice – The Cinema of Law: Significant Films of Law, Order and Social Justice (Rennard Strickland, Terre E. Foster, & Taunya Lovell Banks, eds.) (William S. Hein & Co., 2006)

Prohibition Bureau in Alcohol and Temperance in Modern History: An International Encyclopedia (Jack S. Blocker, Jr., David M. Fahey, and Ian R. Tyrrell, eds.) (ABC Clio, Inc. 2003)

Eighteenth Amendment and Twenty-first Amendment in The Constitution and Its Amendments (Macmillan, 1998)

Environmental Law in Droit American (A. Levasseur, ed. 1989; 2d ed. 1994)

Articles

Three Terms of the Kennedy Court: Projecting the Future of Constitutional Doctrine, 39 U. Baltimore L. Rev. ____ (2010) (forthcoming)

Waivers of Immunity in Federal Environmental Statutes of the Twenty-First Century: Correcting a Confusing Mess, 32 Wm. & Mary Env. L. & Policy Rev. 355 (2008)

Learning From Five and a Half Decades of Federal Water Pollution Control Legislation: Twenty Lessons For the Future, 32 B.C. Env. Aff. L. Rev. 527 (2005)

Learning From Fifty Years of Water Pollution Legislation, in *Proceedings of Globalization and Water Law Conference*, Dundee Scotland (August 8, 2001)

Recent Changes in Procedures of the Department of Environmental Quality, 57 La. L. Rev. 855 (1997)

Enforcing Environmental Standards Under State Law: The Louisiana Environmental Quality Act, 57 La. L. Rev. 497 (1997)

Legislative Changes Affecting DEQ Procedures, 44 La. B.J. 57 (1996)

Environmental Law in the United States and Australia: A Comparative Overview, 11 E.L.P.J. 179, 254 (1994) (Parts I and II), separately edited and republished as 22 B.C. Env. Aff. L. Rev. 503 (1995)

Reforming Environmental Enforcement: Lessons From Twenty Years of Waiving Federal Immunity to State Environmental Regulation, 11 Va. J. Env. L. 179 (1992)

The Judicial Revival of Louisiana's Civilian Tradition: A Surprising Triumph of the American Influence, 49 La. L. Rev 1 (1988)

Interstate Pollution: The Continuing Need For Federal Common Law, 6 Va. J. Nat. Res. Law 1 (1986)

The Dual Sovereignty Exception to Double Jeopardy, 14 N.Y.U. Rev. L. & S.C. 383 (1986)

Does NEPA Matter? An Analysis of the Historical Development and Contemporary Significance of the National Environmental Policy Act, 18 U. Rich. L. Rev. 557 (1984)

Property Forfeitures in the Era of National Prohibition: A Study of Judicial Response to Legislative Innovation, 32 Buffalo L. Rev. 417 (1983)

Prohibition and the Fourth Amendment: A New Look at Some Old Cases, 73 J. Crim. L. & Crim. 471 (1982)

Jurisdiction Over Persons, Things, and Status, 41 La. L. Rev. 1053 (1981)

Recent Environmental Developments Affecting Oil and Gas Operations, 26 Mineral Law Institute 54 (1980)

Toward a Perspective on the Death Penalty Cases, 27 Emory L.J. 469 (1978)

Waivers of Intergovernmental Immunity in Federal Environmental Statutes, 62 Va. L. Rev. 1177 (1976)

The Entrapment Defense in the Federal Courts: Modern Developments, 47 Miss. L.J. 573 (1976)

The Entrapment Defense in the Federal Courts: Emergence of a Legal Doctrine, 47 Miss. L.J. 211 (1976)

Developments in the Law, 2002 - 2003, Local Government Law, 64 La. L. Rev. 275 (2004)

Developments in the Law, 1991-1992 – Local Government Law, 53 La. L. Rev. 823 (1993)

Developments in the Law, 1990-1991 – Local Government Law, 52 La. L. Rev. 541 (1992)

Developments in the Law, 1989-1990 – Local Government Law, 51 La. L. Rev. 261 (1990)

Developments in the Law, 1988-1989 – Local Government Law, 50 La. L. Rev. 265 (1989)

Developments in the Law, 1987-1988 – Local Government Law, 49 La. L. Rev. 367 (1988)

Developments in the Law, 1986-1987 – Local Government Law, 48 La. L. Rev. 303 (1987)

Developments in the Law, 1985-1986 – Local Government Law, 47 La. L. Rev. 305 (1986)

Developments in the Law, 1984-1985 – Local Government Law, 46 La. L. Rev. 491 (1986)

Developments in the Law, 1983-1984 – Local Government Law, 45 La. L. Rev. 357 (1984)

Developments in the Law, 1982-1983 – Local Government Law, 44 La. L. Rev. 373 (1983)

Developments in the Law, 1981-1982 – Local Government Law, 43 La. L. Rev. 461 (1982)

Developments in the Law, 1980-1981 – Local Government Law, 42 La. L. Rev. 564 (1982)

Developments in the Law, 1979-1980 – Local Government Law, 41 La. L. Rev. 483 (1981)

The Work of the Louisiana Appellate Courts for the 1978-1979 Term – Local Government Law, 40 La. L. Rev. 681 (1980)

The Work of the Louisiana Appellate Courts for the 1977-1978 Term – Local Government Law, 39 La. L. Rev. 843 (1979)

The Work of the Louisiana Appellate Courts for the 1976-1977 Term – Local Government Law, 38 La. L. Rev. 462 (1978)

The Impact of the Soldiers' and Sailors' Civil Relief Act on State Taxation of Mobile Homes, 19 A.F.L. Rev. 235 (1977)

Entrapment in Military Law, 18 A.F.L. Rev. 57 (Summer 1976)

Capital Punishment in Virginia, 57 Va. L. Rev. 97 (1972) (student note) (co-author)

Nonappropriated Funds: A Unique Area of Military Law, 19 A.F. ROTC Education J. 23 (1976)

Book Reviews

45 A.J.L.H. 343 (2001)

33 A.J.L.H. 167 (1989)

19 A.F.L. Rev. 421 (1978)

19 A.F.L. Rev. 227 (1977)

18 A.F.L. Rev. 111 (Fall 1976)

17 A.F.L. Rev. 95 (Spring 1975)

**Activities, Honors,
& Recognitions**

Law School

Editorial Board, *Virginia Law Review*
Order of the Coif
Society of Fellows
Legal Writing Assistant

Undergraduate

Omicron Delta Kappa
Phi Kappa Phi
Sigma Tau Delta
Outstanding Freshman Award

Professional

January-June 2007: Visiting Fellow, Clare Hall,
University of Cambridge

March 1998-July 1999: Special Master, *United States v. Clifford*, Civ. No. 96-0527 (E.D. La.) (suit challenging EPA's failure to prepare TMDLs for Louisiana waters that do not meet water quality standards)

May 1997: Medal for Outstanding Civilian Service to the
United States Army

1992-1993: Natural Resources Law Institute Fellow,
Northwestern School of Law, Lewis and Clark
College

1991-1993: Co-reporter for Louisiana Law Institute
Committee to Study Procedures of the Department
of Environmental Quality

Spring 1991: Member of Governor's Task Force on
Restructuring the Amite River Basin Commissio

Spring 1988: Member of Louisiana Governor-Elect's
Advisory Committee on Governmental
Reorganization

Summer 1983: Participant in the Economics Institute for
Law Professors sponsored by the Law and
Economics Center of Emory University

1980-81: Langdell Fellow, Harvard Law School

Summer 1979: Participant in National Endowment for
the Humanities Seminar taught by Professor Morton
Horwitz

May 1979: National finalist; White House Fellowship
Competition

1977-2001: Judge Advocate in the United States Air
Force Reserve (Retired in grade of Colonel)