

Mark P. Nevitt

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ACADEMIC APPOINTMENTS

Syracuse University College of Law

Associate Professor of Law

Syracuse, NY

2020-present

- Courses taught in constitutional law, environmental law, natural resources law, climate change law, and law of the global commons (cyberlaw, law of the sea, space law).

U.S. Naval Academy

Class of 1971 Distinguished Professor of Leadership & Law

Annapolis, MD

2019-2020

University of Pennsylvania Law School

George Sharswood Fellow, Lecturer-in-Law

Philadelphia, PA

2017-2019

- Courses taught on climate change law & policy and national security law.
- Awarded Stuart Feldman Award for “outstanding service & mentorship to Penn’s veteran community.”

EDUCATION

Georgetown University Law Center

Master of Laws, Environmental Law, *with distinction*

Washington, D.C.

2012

Honors: Dean’s List; Attended while serving as an active-duty naval officer

U.S. Naval War College

Joint Professional Military Education, National Security Diploma

Newport, RI

2007

Georgetown University Law Center

Juris Doctor

Washington, D.C.

2006

Honors: Dean’s List; Attended while serving as an active-duty naval officer

- Selected to serve as White House Military Social Aide to the President of the United States

University of Pennsylvania, Wharton School of Business

Bachelor of Science in Economics

Philadelphia, PA

1997

Honors: Dean’s List; Full Tuition Navy Scholarship

LAW REVIEW & SCHOLARLY ARTICLES

Regulating Climate Retreat (working paper).

Can Environmental Law Solve the “Forever Chemical” Problem? 57 WAKE FOREST LAW REVIEW ____ (2022)(forthcoming) (with Robert V. Percival).

- Selected for presentation at Richmond Law School’s Junior Faculty Forum (Sept. 2021).

Delegating Climate Solutions 38 YALE JOURNAL OF REGULATION ____ (2022)(forthcoming).

Is Climate Change a National Emergency?, 55 U.C. DAVIS LAW REVIEW ____ (2022)(forthcoming).

- Selected for presentation at AALS Environmental Law & National Security Law Sections, 2021.
- Selected for presentation at University of Michigan Junior Scholars Conference, 2021.
- Key Findings presented at University of Chicago’s Center for Effective Government.

The Remaking of the Supreme Court: Implications for Climate Change Litigation, 42 CARDOZO LAW REVIEW ____ (2022)(forthcoming).

Is Climate Change a Threat to International Peace and Security? 42 MICHIGAN JOURNAL OF INTERNATIONAL LAW 527 (2021).

- Presented at Duke Law School, Florida Law School, St. John's Law School, and Syracuse Law.

The Climate Security Century: Three Climate Hotspots, TUFTS FLETCHER SECURITY REVIEW (2021).

- Featured in Syracuse University College of Law's Yearbook, 2021.

Domestic Military Authority and the Coronavirus Pandemic, 11 JOURNAL OF NATIONAL SECURITY LAW & POLICY 107 (2020) (peer reviewed).

On Environmental Law, Climate Change, and National Security Law, 44 HARVARD ENVIRONMENTAL LAW REVIEW 321 (2020) (lead article).

- Presented at Harvard Law School & Harvard Environmental Law Review Author Roundtable.
- Selected for presentation at Columbia Law's Sabin Colloquium on Environmental Scholarship.
- Presented at Faculty Workshops at Penn, Georgetown, and Texas A&M Law School.

Climate Adaptation Strategies: How Do We "Manage" Managed Retreat?, UNIVERSITY OF PENNSYLVANIA KLEINMAN CENTER FOR ENERGY POLICY (2020) (Grant-sponsored project via Univ. of Pennsylvania).

The Operational and Administrative Militaries, 53 GEORGIA LAW REVIEW 905 (2019).

- Selected for presentation: 2018 AALS Annual Meeting & 2018 SEALS Junior Scholars Conference.
- Featured on Yale Journal of Regulation's blog; "recommended" on Prof. Solum's Legal Theory Blog.

Could Official Climate Denial Revive the Common Law as a Regulatory Backstop? 96 WASHINGTON UNIVERSITY LAW REVIEW 441 (2018) (with Robert V. Percival).

- Invited presenter at Maryland Law (Sep. 2018) and Northwestern Law (Apr. 2019).

Polar Opposites: Assessing Environmental Law in the World's Polar Regions 59 BOSTON COLLEGE LAW REVIEW 1655 (2018) (with Robert V. Percival).

- Selected for presentation: Pace Law School Future Environmental Law Professor Symposium, 2017.

Reflections on How Everything Became War and the Military Became Everything, 32 TEMPLE INTERNATIONAL AND COMPARATIVE LAW JOURNAL 69 (2018) (invited symposium).

Military Justice: A Very Short Introduction, 9 JOURNAL OF NATIONAL SECURITY LAW & POLICY 653 (2018).

Environmental Law in Military Operations, in U.S. MILITARY OPERATIONS: LAW, POLICY, AND PRACTICE (OXFORD UNIV. PRESS 2016).

- Key findings presented at *Protection of the Environment in Military Operations*, United Nations International Law Committee (ILC), New York, NY (Oct. 2015).

The Commander in Chief's Authority to Combat Climate Change, 37 CARDOZO LAW REVIEW 438 (2015).

- Presented at Yale Law School's New Directions in Environmental Law, March 2017.

Unintended Consequences: The Posse Comitatus Act in the Modern Era, 36 CARDOZO LAW REVIEW 119 (2014).

- Featured on Prof. Solum's Legal Theory Blog.

The National Historic Preservation Act: Preserving History, Impacting Foreign Relations?, 32 BERKELEY JOURNAL OF INTERNATIONAL LAW 388 (2014).

Defending the Environment: A Mission for the World's Militaries, 36 HAWAII LAW REVIEW 27 (2014).

SELECTED ONLINE SCHOLARLY CONTRIBUTIONS

Frequent contributor to NYU Law's *Just Security* and Penn Law's *Regulatory Review*. *Just Security* page: <https://www.justsecurity.org/author/nevittmark/> (25+ articles). Representative contributions include:

NATO's Renewed Focus on Climate Change & Security: What You Need to Know, JUST SECURITY (Jun. 23, 2021).

Should the COVID-19 Vaccine be Required for the Military?, JUST SECURITY (Apr. 12, 2021) (featured and interviewed on the Michael Smerconish show, reprinted in SLATE).

Is Climate Change a National Emergency?, JUST SECURITY (Feb. 25, 2021).

Capitol Insurrection: Four Questions that Demand Answers, JUST SECURITY (Jan. 9, 2021).

Climate Change: A Threat to International Peace and Security?, OPINIO JURIS (Aug. 2020).

The President and Domestic Deployment of the Military, JUST SECURITY (Jun. 2, 2020) (named one of *Just Security's* most read Articles for 2020; reprinted in SLATE).

Our New Climate Advocates, PENNSYLVANIA GAZETTE, Jan/Feb 2020.

Climate Change Denialism Poses a National Security Threat, JUST SECURITY (Sep. 20, 2019).

As We Adapt to Climate Change, Legal Doctrine Must Also Adapt, WHARTON SCHOOL CLIMATE SOLUTIONS (Jul. 2019).

The Missing Piece in the U.S.-Iran Drone Dispute: Navigational Freedoms, JUST SECURITY (Jun. 28, 2019).

Listen to National Security Professionals on Climate Change, WHARTON SCHOOL CLIMATE SOLUTIONS (Jun. 2019).

Climate Change: Our Greatest National Security Threat?, JUST SECURITY (Apr. 17, 2019).

The South China Sea's Muddled and Increasingly Militarized Future, JUST SECURITY (June 1, 2018).

The Military, Mexico, and Posse Comitatus, JUST SECURITY (Apr. 4, 2018) (named one of *Just Security's* most read articles for 2018).

The Transgender Military Personnel Fight Continues Amid Uncertainty, PENN LAW REGULATORY REVIEW (Mar. 28, 2018).

Military Planning for the Climate Century, JUST SECURITY (Oct. 19, 2017).

Why Posse Comitatus is Not Immediately Applicable to the Military's Mission in Puerto Rico, JUST SECURITY (Oct. 3, 2017).

Climate Change and Arctic Security: Five Key Questions Impacting the Future of Arctic Governance, JUST SECURITY (Sep. 14, 2017).

Trump's Proposed Transgender Ban Breaks Faith with Servicemembers, PENN LAW REGULATORY REVIEW (Aug 17, 2017).

The Commander in Chief, Congress, and Climate Security: Who Has the Authority?, THE WILSON CENTER: NEW SECURITY BEAT (Feb. 22, 2016).

Insights From an Ethics Attorney, U.S. NAVAL INST. PROCEEDINGS (June 2014).

POPULAR COMMENTARY AND PODCASTS

Climate Change: How do we “Manage” Managed Retreat?, Wharton School Energy Now Podcast (Sep. 2020).

[*Climate Security and the Changing Threat Landscape*](#), AMERICAN BAR ASSOCIATION NATIONAL SECURITY LAW TODAY PODCAST (JUL. 2019).

[*Actually, the U.S. Already has a Carbon Tax*](#), WASHINGTON POST (Jan. 23, 2019) (with Prof. Cary Coglianese).

[*Where Does the Military Stand on Climate?*](#), Wharton School Energy Now Podcast (Jan. 22, 2019).

What the Space Force Means for National Security, THE HILL, (Aug. 22, 2018) (with Prof. Finkelstein).

[*The Future of the South China Sea*](#), Biden Center-Penn Perry World House Global Cable Podcast (May 2018).

[*Two Notable Omissions from the Mattis Defense Strategy*](#), NEWSWEEK (Jan. 24, 2018) (via JUST SECURITY).

[*Wishing Away Climate Change as a National Security Threat*](#), NEWSWEEK (Dec. 21, 2017) (via JUST SECURITY).

SELECTED PRESENTATIONS

St. John’s Law, Invited Panelist with Fijian Ambassador to United Nations on Climate Change and Law of the Sea (Feb. 2021).

The Climate-Security Century, Harvard Law School, Cambridge, MA (Mar. 2020).

Climate Change and National Security: Top 10 Questions that Demand Answers, Law, Ethics, and National Security Symposium, Duke Law School (Feb. 2020) (remarks blogged for lawfire [here](#)).

Civil-Military Relations in the Forever War, National Security Law Symposia, Army JAG School (Oct. 2019) (panel member and conference co-organizer).

The Environment, Climate Change, and National Security, University of Virginia Law School, Center for National Security Law, Charlottesville, VA (Jun. 2019 & Jun. 2018).

Is There a Constitutional Right to a Clean Environment?, University of Pennsylvania Law School, (Mar. 2019).

National Security, Climate Change, and the Changing Arctic, Tufts University (Nov. 2018) (keynote speaker).

National Security and Climate Change, Naval War College, Lecture of Opportunity (Nov. 2018).

Arctic, Climate Change, and Law of the Sea, Ninth National Security Workshop, Charlottesville, VA (Sep. 2018) (panel lead and conference co-organizer).

The Operational and Administrative Militaries, Southeastern Association of Law Schools (SEALS) Prospective Law Teachers Workshop (Aug. 2018).

The Future of the South China Sea, Penn Biden Center - Washington Briefing (May 2018).

The Arctic and Maritime Polar Initiatives, The Wilson Center, Washington D.C. (Apr. 2018).

The End of the World as We Know It? The Consequences of Extreme Climatic Disruption for Business and Democracy, The Wharton School, University of Pennsylvania (Apr. 2018).

Melting Ice, Growing Islands: The Law of the Sea in a National Security Context, American University Washington

College of Law, Washington, D.C. (Mar. 2018).

The Covert Commander in Chief, Brigham Young University, International Committee of the Red Cross (ICRC) War in Cities Forum, Provo, Utah (Feb. 2018).

The Operational and Administrative Militaries, New Voices in National Security Law, AALS Mid-Year Meeting, San Diego, CA (Jan. 2018).

The Future of Arctic Governance, Pace Law Future Environmental Law Professor Symposium, Pace Law School (Oct. 2017).

New Directions in Environmental Law, National Security Policymaking in a Changing Climate, Yale Law School & Yale School of Forestry (Feb. 2017).

Protection of the Environment in Military Operations, United Nations International Law Committee (ILC), Seminar on the Protection of the Environment (Oct. 2015).

U.S. Navy Active Duty Experience (1997-2017)

- Commissioned as a naval officer via University of Pennsylvania Naval ROTC.
- Served as both a tactical jet aviator and attorney (“JAG”) in assignments throughout the world.
- Honorably discharged in the rank of Commander after 20 years of service in July, 2017.

Attorney-Advisor & Deputy Division Director, Administrative Law

Pentagon

Office of the Judge Advocate General

2015-2017

- Supervised 15 attorney-advisors on all aspects of administrative law impacting the Department of the Navy and Marine Corps, including personnel law, ethics, professional responsibility, constitutional law and diversity initiatives, and legislative review.

International Law Advisor, U.S.-Iran Farsi Island Incident

Manama, Bahrain

Commander, U.S. Fifth Fleet/Naval Central Command

Feb.-Mar. 2016

- Senior legal advisor, U.S. investigation into Iranian detention of U.S. sailors, Farsi Island, Iran.
- Led legal team of five attorneys in comprehensive investigation addressing law of the sea, international law, national security law and ethical decision-making.

Department of Defense Regional Environmental Counsel

Norfolk, VA

Region Legal Service Office Mid-Atlantic

2012-2015

- Lead counsel for climate change and sea level efforts in the Mid-Atlantic. Led the Navy’s legal and policy position on a whole-of-government climate change pilot project.

Executive Assistant/Flag Aide to Rear Admiral Steven Talson Office of the Judge Advocate General

Washington Navy Yard

2010-2011

International Law & Ethics Attorney

Naples, Italy

Commander, U.S. Naval Forces Europe/Africa, Sixth Fleet

2008-2010

- Advised four-star Admiral staff on all areas of international and national security law in a 101-nation region including international agreements, rules of engagement, piracy, and law of the sea.

Criminal Defense & Family Law Attorney

Lemoore, CA

Naval Legal Service Office Lemoore

2006-2008

- Led legal office of over 10 personnel, performing all Navy criminal defense and legal assistance services in Northern California and Nevada.

Tactical Jet Aviator

Sea Control Squadron Thirty-Eight, USS Constellation, Carrier Air Wing Two

San Diego, CA

1999-2003

- Mission Commander: S-3B “Viking” aircraft; 1,100 flight hours, 290 aircraft carrier arrested landings.
- Awarded Air Medal Strike for “meritorious achievement in flight operations and completion of 50 combat missions in the face of hazardous flying conditions.”

OTHER PROFESSIONAL ACTIVITIES

- Peer reviewer for submissions to *Journal of National Security Law and Policy*, Oxford Univ. Press., University of Wales Press.
- Board of Advisors, Naval War College *International Law Studies*.
- Member, District of Columbia Bar (active); Maryland Bar (inactive).
- Media: *Washington Post*, *USA Today*, *Slate*, Michael Smerconish Show, Military Times.

REFERENCES

Professor Cary Coglianese

Edward Shils Professor of Law, University of Pennsylvania Law School

cary_coglianese@law.upenn.edu – phone (339) 368-0248

Robert V. Percival, Robert F. Stanton Professor of Law

Robert Stanton Professor of Law, University of Maryland School of Law

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Professor Jean Galbraith

University of Pennsylvania Law School

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Professor David Luban

University Professor of Law & Philosophy

Georgetown University Law Center

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Vice Admiral James Houck, U.S. Navy (ret.)

Former Judge Advocate General of the Navy

Professor and Dean, Penn State University Park Law

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