



## Tracy Hester

Co-Director, Environment, Energy and Natural Resources Law Center

Founding Co-Director, University of Houston Center for Carbon Management in Energy

Associate Instructional Professor of Law

University of Houston Law Center  
4170 Martin Luther King Blvd  
Houston, TX 77204-6060  
713-743-1152 (office)  
tdheste2@central.uh.edu

[CV](#)

Professor Hester teaches environmental law at the University of Houston Law Center, where he co-directs the Law Center's Environment, Energy & Natural Resources Law Center and the University of Houston's Center for Carbon Management in Energy. His research focuses on the innovative application of environmental laws to emerging technologies and unanticipated risks, including climate engineering, deep decarbonization (particularly in energy production), nanoscale materials and microplastics, and climate liability. In Fall 2019, Prof. Hester began teaching the first U.S. law school course on Climate Intervention Law, which focuses on emerging climate engineering technologies and its legal challenges.

Professor Hester was named President-Elect of the American College of Environmental Lawyers in 2023 (after serving as a Regent from 2018 to 2021). He also currently serves on the American Bar Association's Climate Change Task Force, and he acted as one of the ABA's delegates to the UN climate Conferences of Parties in 2021 (Glasgow), 2022 (Sharm El Sheik), and 2023 (Bonn and Dubai (virtually)). The ABA also elected him to the Council of its Section on Environment, Energy and Resources (SEER) in 2011 through 2014. He is the past chair of SEER's Special Committee on Congressional Relations, its Climate Change and Sustainable Development Committee, and its Environmental Enforcement and Crimes Committee.

The Global Council on Science and Environment inducted Prof. Hester as a Senior Fellow in 2023, and he represented the Council at the UN's sessions of its Intergovernmental Negotiating Committee for the pending draft Plastics Convention (including its negotiation session in Paris on June 2023).

Prof. Hester was elected to the American Law Institute in 2004, and named the Top Environmental Lawyer in Houston in 2011 by Best Lawyers of America. In 2014, Prof. Hester served as the interim Director of the North America Commission on Environmental Cooperation's Submission on Environmental Matters Unit in Montreal, Canada. The Environmental Law Institute also named him as its Environmental Scholar in Residence for 2015.

Prior to joining the University of Houston Law Center, Prof. Hester practiced for 25 years and served as a partner in Bracewell LLP for sixteen years. He led that firm's Houston environmental group.

## Courses

- Statutory Interpretation and Regulation
- Environmental Law Practicum
- Climate Intervention Law
- Environmental Law
- Water Law
- Emerging Technologies and Environmental Law
- Natural Resource Damages and Liability
- Climate Change and Liability Law
- Environmental Enforcement
- Environmental Law in Oil & Gas

## Publications

[\*Ecoworship and Federal Environmental Law\*](#), 48(2) COLUMBIA J. ENVT'L L. 55 (2023).

*Spinning Off Carbon: Corporate Restructuring in a Climate Bankrupt World*, --- NYU ENVT'L LAW JOURNAL --- (2023).

*Carbon Capture and Sequestration, and Carbon Dioxide Removal*, chapter in GLOBAL CLIMATE CHANGE AND U.S. LAW (3d ed.), ed. Michael Gerrard, Jody Freeman, and Michael Burger (2023).

*Bounty Laws and Citizen Suits*, Blog for the American College of Environmental Lawyers, May 24, 2023, at <https://acoel.org/bounty-laws-and-citizen-suits/> .

*Greenhouse gas removal* (with Kirsten Williams), chapter in Elgar's RESEARCH HANDBOOK ON CLIMATE CHANGE MITIGATION LAW (2d ed.), ed. by Leonie Reins and Jonathan Verschuuren (2022).

*Privilege by Design: A Proposal to Use Experimental Jurisprudence to Define Environmental Self-Audit Protection*, 72 SYRACUSE L. REV. 1267 (2022).

*Ghost Wolves and Genetic Reliquaries*, Blog for the American College of Environmental Lawyers, Jan. 20, 2022, at <https://acoel.org/ghost-wolves-and-genetic-reliquaries> .

*Saved by Silence: Climate Change, Treaty Lacunae, and the U.S.-Canada-Mexico Agreement*, 46 VERMONT L. REV. 243 (Winter 2021).

*Battling Over Battlegrounds: Climate Torts Return to the Supreme Court*, Blog for the American College of Environmental Lawyers, Jan. 22, 2021, at <https://acoel.org/battling-over-battlegrounds-climate-torts-return-to-the-supreme-court/> .

*Consent Decrees as Emergent Environmental Law*, 85 MISSOURI L. REV. 687 (Summer 2020).

[\*The Top Five Legal Barriers to Carbon Capture and Sequestration in Texas\*](#), University of Houston Energy Blog (reposted to Forbes Magazine's national blog), Nov. 21, 2019.

[\*Still Standing: The U.S.-Mexico-Canada Agreement and the Fate of the Commission on Environmental Cooperation\*](#), 50 TRENDS 6 (May/June 2019).

[MASTERING ENVIRONMENTAL LAW](#) (with Prof. Joel Mintz), (Carolina Academic Press 2019).

[\*Managing the Carbon Challenge for the Energy Sector: An Outline of Potential Uses for Negative Emissions Technologies in Energy\*](#), University of Houston Energy White Paper Series No. 03.2018 (2018).

[\*Transnational Liability in U.S. Courts for Environmental Harms Abroad\*](#), 64 ROCKY MOUNTAIN MINERAL LAW INSTITUTE ANNUAL PROCEEDINGS 27-1 (2018).

[\*Climate Tort Federalism\*](#), 13 FLORIDA INT'L UNIV. LAW REVIEW 79 (2018) (Symposium Issue).

[\*Abandoned But Not Forgotten: Improperly Plugged and Orphaned Wells May Pose Serious Concerns for Shale Development\*](#), co-authored with Prof. Bret Wells, 8 MICHIGAN JOURNAL OF ENVIRONMENTAL AND ADMINISTRATIVE LAW 115 (2018).

[CLIMATE ENGINEERING AND THE LAW: REGULATION AND LIABILITY FOR SOLAR RADIATION MANAGEMENT AND CARBON DIOXIDE REMOVAL](#), co-edited with Prof. Michael Gerrard. (Cambridge U. Press 2018). Also authored chapter on Liability and Compensation, and co-authored Conclusions and Recommendations.

[\*Legal Pathways to Negative Emissions Technologies and Direct Air Capture of Greenhouse Gases\*](#), 48 ENVIRONMENTAL LAW REPORTER 10413 (May 2018). Also published as chapter in LEGAL PATHWAYS TO DEEP DECARBONIZATION IN THE UNITED STATES, ed. John Dernbach and Michael Gerrard (Environmental Law Institute Press 2018).

[\*Going Negative: The Next Horizon in Climate Engineering Law\*](#) (with Prof. Michael Gerrard), 32 NATURAL RESOURCES & ENV'T 3 (Spring 2018).

[\*The Paradox of Regulating Negative Emissions Technologies Under U.S. Environmental Laws\*](#), 1 GLOBAL SUSTAINABILITY 1 (2018)

[\*Green Statutory Interpretation by Environmental Courts and Tribunals\*](#), 29 ENVIRONMENTAL LAW & MANAGEMENT 1 (2017).

[\*Designed for Distrust: Revitalizing NAFTA's Environmental Submissions Process\*](#), 28 GEORGETOWN ENVIRONMENTAL LAW REVIEW 29 (Fall 2015).

[\*Restating Environmental Law\*](#), 39 COLUMBIA J. ENVTL L. 1 (Spring 2015). Lead author on article with Profs. Robert Percival, Irma Russell, Victor Flatt and Joel Mintz. A redacted version was published by the Environmental Law Institute in 32 THE ENVTL FORUM 38 (Jan./Feb. 2015) as that issue's lead article.

*Report to the NAFTA Commission for Environmental Cooperation's Secretariat on The Legality of Scoping Submissions on Enforcement Matters*, prepared at request through the North American Conference of Legal Educators, March 21, 2014.

*A Matter of Scale: Regional Climate Engineering and the Shortfalls of Multinational Governance*, 3 CARBON AND CLIMATE LAW REVIEW 168 (2013).

*Climate Change Geoengineering: Legal, Political and Philosophical Perspectives* (Oxford University 2013) (chapter on U.S. legal issues).

*A New Front Blowing In: State Law and the Future of Climate Change Public Nuisance Litigation*, 31 STANFORD ENVIRONMENTAL LAW JOURNAL 49 (March 2012).

*Private Claims for a Global Climate: U.S. and Indian Litigation Approaches to Climate Change and Environmental Harm*, \_\_\_ JOURNAL OF THE INDIAN LAW INSTITUTE \_\_\_ (2011); presented at the *International Seminar on Global Environment and Disaster Management: Law and Society*, New Delhi, India, July 23, 2011. The seminar was jointly organized by the Supreme Court of India, the High Court of Delhi, the Indian Law Institute, the Ministry of Environment & Forests, and the Ministry of Law and Justice.

*Remaking the World to Save It: Applying U.S. Environmental Law to Climate Engineering Projects*, 38 ECOLOGY LAW QUARTERLY 851 (2011), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1755203](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1755203)

*Nanotechnology: Environmental Law, Policy, and Business Considerations*, ABA SEER (2010) ed. L. Bergeson (chapter on hazardous waste requirements for nanomaterials).

## **Speeches and Appearances**

*The Role of lawyers and law association in the Global Stocktake: Implementation at a domestic level*, Official Side Event at UN Climate Conference SB58, joint presentation with the American Bar Association, the International Bar Association, the Organization of Advocates of Brazil, and the Law Society of the United Kingdom and Wales, Bonn, Germany, June 13, 2023.

Presentation, *Arctic Climate Interventions: Law and Policy*, Cambridge Workshop on Albedo Enhancement and Refreezing the Arctic, Cambridge University, June 6, 2023.

Panelist, *Energy Implications of the USMCA Trade Agreement*, North American Energy and Environmental Law Conference, University of Houston Law Center, April 29, 2023.

Presentation, *Human Rights Implications of Climate Intervention Technologies*, University of Iowa Law School Symposium on The Human Rights Conundrum: Climate Change Interventions as Both Problem and Solution, March 31, 2023.

Presentation, *The Ethical Dimensions of Climate-Conscious Lawyering*, Annual Law Review Conference on Ethics and Renewable Energy, South Texas College of Law, Houston, Texas, March 3, 2023.

*Climate Conscious Lawyering: A Report from COP27 at Sharm El Sheik*, webinar for the American College of Environmental Lawyers, Jan. 27, 2023.

Delegate on behalf of American Bar Association as observer, Conference of Parties 27, UN Framework Convention on Climate Change, Sharm El Sheik, Egypt, Nov. 6-12, 2022.

*Climate Tort Liability Litigation's Impact on Environmental Justice*, panel presentation and moderator, Annual Meeting, American Association of Law Schools, online, Jan. 5, 2022.

Delegate on behalf of American Bar Association as observer, Conference of Parties 26, UN Framework Convention on Climate Change, Glasgow, Scotland, Nov. 2-7, 2021.

*Tort Liability for Waste Plastics Disposal*, panel presentation and speaker, American College of Environmental Lawyers, online, Nov. 10, 2021.

*Transnational Liability for Cross-Border Pollution in a Time of Climate Change*, interview and panel presentation, EarthX Television Network, Oct. 2021.

*NEPA Regulation in the Biden Administration*, panel presentation (and moderator), Annual Conference of the American College of Environmental Lawyers, Oct. 2021.

*Offshore Carbon Sequestration and Ocean Protection Law*, Ocean Carbon Dioxide Removal Law Conference, American University School of Law, Sept. 22, 2021.

*Environmental Regulation by State Agencies*, panel presentation (as moderator), American College of Environmental Lawyers, online, June 10, 2021.

*Really Really Magical Thinking in Climate Change*, plenary keynote speaker, Energy Infrastructure Council Investor Conference 2021, Las Vegas, NV, May 20, 2021.

*Net Negative v. Negative Emissions: A Need to Distinguish*, presentation, Annual Conference on Sustainability Law, Arizona State University School of Law (remotely), May 14, 2021.

*Saving Climate By Silence: Treaty Lacunae and the U.S.-Mexico-Canada Agreement*, presentation, Workshop on After NAFTA, jointly sponsored by Vermont Law School and the University of British Columbia, Montreal, Canada (remotely), March 20, 2021.

*Local Laws, Global Liabilities: Enforcement of Foreign Judgments on Climate Liability*, presentation, International Webinar on Global Legal Challenges of Modern Times, Chandigarh University School of Law (in association with law schools from Australia, Brazil, Malaysia, Canada, and the United States), Chandigarh, India (remotely), January 30, 2021.

*Impact of COVID-19 and Climate Change on Environmental Rule of Law*, panel presentation, International Conference on Rule of Law and Access to Justice in an Age of Uncertainty, Dehradun Law School, India, Dec. 11, 2020.

*Disaster Liability: A Retrospective on Texas v. Arkema*, keynote presentation to Surplus Property Owners Roundtable national convention, Nov. 12, 2020

*The Surge Next Time: Legal and Policy Responses to Coastal Climate Emergencies*, keynote presentation, joint session of Houston-Galveston area LEPC Community Advisory Panels, Oct. 22, 2020.

*Plastic Pollution: Responsibility, Liability, and Legal Solutions*, panelist and speaker, Fall Conference of the American Bar Association Section on Environment, Energy & Resources, Oct. 20, 2020.

*Graduates, Are You Listening? Plastics Science, Law, and Policy*, panelist and speaker, annual meeting of the American College of Environmental Lawyers, Sept. 26, 2020.

*Ethical Obligations for Attorneys on Climate Legal Matters*, moderator and speaker, panel discussion with the Environmental Law Institute, Washington, DC, Sept. 15, 2020.

*Lessons from Hurricane Laura: Disaster Preparedness and Legal Obligations*, Annual Meeting of the Houston Regional Monitoring Network Board of Directors, Houston, Texas, Sept. 9, 2020.

Superfund Task Force Report Stakeholder Workshops (host and organizer), briefing sessions with U.S. Environmental Protection Agency Office of Land and Emergency Management, jointly sponsored by the American College of Environmental Lawyers, the Association of American Law Schools, and the American Bar Association's Section on Environment, Energy and Resources, June 26, July 17, and August 7, 2020.

*Environmental Upgrade: Contrasts Between the USMCA and NAFTA*, presentation to workshop hosted by Center for Environmental Cooperation (Montreal), webinar, June 24, 2020.

*Climate Intervention Law and Governance: An Orientation*, briefing to U.S. Congressional Staff and members, Woodrow Wilson Center for International Studies, webinar, June 22.

*Climate Speech Liability*, webinar for the University of Houston Center on Carbon Management in Energy, April 30, 2020.

*Implications of COVID-19 on Climate Change Infrastructure Development*, webinar for the American Bar Association's Section on Environment, Energy & Resources, Climate Change Committee, April 21, 2020.

*Juliana v. United States: If Not Now, When?*, webinar for the American College of Environmental Lawyers, April 16, 2020.

*Short Cut to a Long Trip: Carbon Sequestration on Public Lands*, Conference on Public Lands and Energy Transitions, The George Washington University Law School, Washington, DC, March 12, 2020.

*Domestic Regulation of Solar Radiation Management Technologies*, Louisiana State University Paul M. Hebert School of Law, Feb. 14, 2020 (NIEHS grant). Interplay of Climate Change and Atrocity Law, panelist, University of Houston Law Center, Feb. 4, 2020.

*Legal Issues Arising from Climate Intervention and Energy Policy*, Energy Unconference, Houston, Texas, Jan. 15, 2020.

*Lessons Learned Between U.S. and Indian Climate Tort Litigation, and Importance of Environmental Rule of Law Initiatives*, Global Environmental Sustainability Summit, Chandigahr University School of Law, Chandigahr, India, Nov. 17-18, 2019.



*Law of Climate Intervention Regulation and Liability*, Guest Lecture, Texas A&M University, Bryan Station, Texas, Nov. 7, 2019.

*Update on Climate Change Tort Liability Litigation and Corporate Strategic Responses*, Annual Conference of the American College of Coverage Counsel and the American College of Environmental Lawyers, Shephard Broad School of Law, Nova University, Ft. Lauderdale, Florida, Nov. 1, 2019.

*Legal Requirements and Potential Barriers for Carbon Capture, Utilization, and Sequestration in the United States*, presentation to Interdisciplinary Workshop on CCUS by University of Houston and Petroleum Research School of Norway, Sept. 24, 2019, Houston, Texas.

*Domestic Laws to Govern Research on Solar Reflective Strategies*, presentation to National Academy of Sciences workshop on Developing a Research Agenda and Research Governance Approaches to Climate Intervention Strategies that Reflect Sunlight to Cool the Earth, Stanford University, Sept. 11, 2019.

Draft article on *A Coordinated U.S. Regulatory Framework for Climate Intervention Actions*, accepted for presentation at the Natural Resource Law Instructors' workshop at the Rocky Mountain Mineral Law Foundation annual conference in Monterey, California on July 20, 2019, and at the Environmental Law Scholars' Colloquium, Vermont Law School, Sept. 21, 2019.

*Environmental Investigations*, as part of the Engage the Expert podcast series, Environmental Law Institute, Washington, DC, July 24, 2019.

[The Pros and Cons of Climate Intervention Technologies](#), as part of The CAP Impact Podcast with the McGeorge School of Law, May 13, 2019.

Panelist, *Low-Carbon Futures in the Energy Sector*, Summit on Low-Carbon Futures for Houston, Center for Houston's Future, Houston, Texas, June 6, 2019.

*Update on Environmental Prosecutions After Industrial Disasters*, presentation to American Fuel and Petrochemical Manufacturers Legal Meeting, Houston, Texas, June 5, 2019.

Moderator, *Legal Careers in Energy and Environmental Law*, UH Energy & Environmental Law Society, Houston, Texas, April 1, 2019.

Participant in tabletop disaster simulation exercise, UT-Medical Branch and Houston Local Emergency Preparedness Committee, Texas City, Texas, March 28, 2019.

*Emerging Regional Frameworks to Govern Localized Climate Interventions*, opening presentation to Public Environmental Interest Law Symposium, Levin College of Law, Florida State University, Gainesville, Florida, February 7, 2019.

*The Future Role of the Environmental Submissions Process After the USMCA*, panel presentation, workshop sponsored by the Commission on Environmental Cooperation, Guadalajara, Mexico, Oct. 26, 2018.

*Criminal Liability for Environmental Disasters in a Climate-Changed World*, presentation and panel discussion, American Bar Association Section on Environment, Energy & Resource's Fall conference, San Diego, California, Oct. 19, 2018.

*Consent Decrees as Common Law*, presentation at Vermont Law School Environmental Law Colloquium, South Royalton, Vermont, Sept. 22, 2018.

*The Role of Negative Emissions Technologies in Energy Production*, opening presentation at the NETS in Energy Workshop, University of Houston, Houston, Texas, Sept. 14, 2018.

*Abandoned But Not Forgotten: Improperly Plugged and Orphaned Wells May Pose Serious Concerns for Shale Development*, workshop presentation (with Prof. Bret Wells), Paul Hebert School of Law, Louisiana State University, Baton Rouge, Sept. 7, 2018.

*Applying Environmental Laws to Climate Engineering and Carbon Management*, invitational lecture at Paul Hebert School of Law, Louisiana State University, Baton Rouge, Sept. 6, 2018.

*Transnational Liability in U.S. Courts for Environmental Harms Abroad*, presentation at 2018 Rocky Mountain Mineral Law Annual Institute, Victoria, British Columbia, July 21, 2018.

*Artificial Intelligence, Environmental Law, and Ethical Obligations*, presentation to Houston Bar Association Environmental Law Section, Houston, Texas, May 16, 2018.

*NAFTA Renegotiation and Energy – Where Are We Now and Where Will We Be?*, moderator and presenter in panel discussion, North American Environment, Energy and Natural Resources Conference, Houston, Texas, May 3, 2018.

*Emerging Uses of Artificial Intelligence and Machine Learning in Environmental Law*, presentation at *Artificial Intelligence and the Law* conference, Vanderbilt Law

School, April 20, 2018.

*Opportunities and Updates on Environmental Law and Administrative Practice*, panel moderator and speaker, Federalist Society, University of Houston Law Center, April 2, 2018.

Participant and speaker in tabletop disaster simulation exercise, Houston Local Emergency Preparedness Committee, March 22, 2018.

*Recent Developments in the Public Trust Doctrine in Texas*, Maurice Shapiro Symposium, George Washington University Law School, Washington, DC, March 16, 2018.

*Climate Change Litigation: How Has It Evolved and What Can Energy Companies Expect?*, panelist, Center for American and International Law's 69th Annual Oil & Gas Law Conference, Houston, TX, Feb. 15, 2018.

*Hearing Testimony on Challenges Facing Superfund and Waste Management Clean-up Efforts After Natural Disasters*, Subcommittee on Superfund, Waste Management and Regulatory Oversight of the U.S. Senate Committee on Environment and Public Works, Washington DC, December 6, 2017.

*End Times in the Permian: Death of OPEC?*, speaker and moderator, University of Houston Energy Symposium, Houston, Texas, Nov. 16, 2017.

*Environmental Law in Times of Disaster*, moderator and presenter in panel discussion, Environmental Law Symposium, Bracewell LLP, Houston, Texas, Nov. 9, 2017.

*Climate Tort Federalism*, presentation at Environmental Federalism Workshop, Florida International University School of Law, Miami, Florida, Oct. 20, 2017.

*Regional Governance Options for Regulating Climate Engineering*, moderator and speaker, Climate Engineering Conference 17, Berlin, Germany, Oct. 11, 2017.

*God's Work in Human Hands: The Evolving Role of Religious Environmentalism Under U.S. Law*, presentation at Colloquium on Environmental Scholarship, Vermont Law School, South Royalton, Vermont, Sept. 23, 2017.

"Overview of Legal Implications of Carbon Dioxide Removal Technologies," presentation at *Climate Engineering Research Registry: Disclosure Mechanisms and Best Practices* workshop hosted by the Carnegie Endowment for International Peace

and The Forum on Climate Engineering Assessment, Washington, DC, July 18, 2017.

Organized and moderated panel discussion on *The Law of Climate Engineering*, (with Dr. David Keith, Prof. Michael Gerrard, and Prof. Anthony Chavez), Natural Resource Law Teachers Institute, Rocky Mountain Mineral Law Foundation, Banff, Canada, June 2, 2017.

*Application of Domestic Environmental Laws to Solar Radiation Field Experiments*, at Geoengineering Research Governance Workshop, Oxford Martin School, Oxford University, Oxford, England, June 22, 2017.

*The Paradox of Regulating Negative Emissions Technologies Under U.S. Law*, presentation at workshop on “The Politics and Governance of Negative Emissions Technologies, Between the Paris Agreement and the Anthropocene,” Utrecht University, Utrecht, the Netherlands, June 15, 2017.

*Regulating Climate Engineering Through Environmental Intervention Law*, presentation at Research Roundtable on Global Climate Change Governance, Northwestern University Pritzker School of Law, Chicago, Illinois, May 19, 2017.

Lead speaker at panel presentation on Emerging Issues in Environmental and Energy Law Under the Trump Administration, South Texas College of Law Houston, Houston, Texas, April 18, 2017.

*Green Statutory Interpretation and Environmental Courts and Tribunals*, presentation at the International Symposium on Environmental Adjudication in the 21st Century, hosted by the International Forum of Environmental Judges, Auckland, New Zealand, Apr. 11, 2017. Led subsequent panel and paper presentation regarding judicial process implications of environmental adjudication at follow-up workshop on Environmental Adjudication in the 21st Century hosted by Edward Elgar Publishing, at the Environmental Court of New Zealand, Auckland, New Zealand, April 12, 2017.

*Public Health, Environmental Law, and Predictive Disaster Strategies*, presentation at the World Conference on Environment – 2017, hosted by the National Green Tribunal of India, Vigyan Bhawan, New Delhi, March 25-26.

Moderated and presented at *Reopening NAFTA: What Will Happen to Environmental Cooperation Between Us?*, Workshop on “NAFTA, Jobs and the Environment” hosted by the North American Conference of Legal Educators, George Washington University School of Law, Washington, DC, March 17, 2017.

Presentation on “U.S. Law and Solar Radiation Management Field Experiments”, Workshop on Climate Engineering Governance, Carnegie Center for Environmental and International Peace, New York City, New York, Feb. 16, 2017.

Moderated panel on “Environmental Implications of Reopening NAFTA”, North American Energy Summit, University of Houston Law Center, Houston, Texas Feb. 23, 2017.

Presentation on *Environmental Law Implications and Applications to Emerging Technologies (Nanomaterials, Synthetic Biology and Climate Engineering)*, at Workshop on Carbon Dioxide Removal/Negative Emissions Technologies, Forum on Climate Engineering Assessment, at Berkeley School of Law, University of California, Berkeley, California, Feb. 9, 2017.

Presentation on *Instant Cities and Transient Sources: Environmental Law and Major Sports Events*, Superbowl of CLE, University of Houston Law Center, Houston, Texas, Feb. 3, 2017.

Presentation on The Law of Direct Air Capture and Negative Emissions Technologies, Workshop on the Legal Issues of the Deep Decarbonization Pathways Project, Columbia University School of Law, New York City, New York, Oct. 21, 2016.

Moderator and Organizer, *Annual Workshop on Texas Water Law and the Endangered Species Act*, University of Houston Law Center, Houston, Texas, Oct. 14, 2016.

Presentation on *Environmental and Energy Implications of the Presidential Election Outcome*, BNA Energy Summit, Houston, Texas, Oct. 4, 2016.

Presentation on *Subject-Matter Exceptionalism in Statutory Interpretation*, Colloquium on Environmental Scholarship, Vermont Law School, South Royalton, Vermont, Sept. 23, 2016.

Moderated and participated in panel on *The Future of the Clean Power Plan*, Energy Symposium at University of Houston, Houston, Texas, Sept. 20, 2016.

Presentation on *Direct Air Capture Technology and U.S. Environmental Law*, at the Closing the Carbon Cycle symposium, Arizona State University, Tempe, Arizona, Sept. 30, 2016.

Presentation on *NAFTA and the TransPacific Partnership: Environmental*

*Implications*, Energy Symposium on Latin America and the United States, University of Houston Law Center, Houston, Texas, Sept. 16, 2016.

Presentation of Recommendations and Advice of EPA National Advisory Committee on NAAEC to the Council of the Commission for Environmental Cooperation, Annual Meeting of Ministers of U.S., Mexico, and Canada, Merida, Mexico, Sept. 8, 2016.

*Environmental Statutory Interpretation*, presentation at Academy of Environmental Law Colloquium, International Union of Conservation Naturalists, Oslo, Norway, June 21, 2016.

Presentations and meetings to national bar and legal entities of Haiti, with delegation of the American College of Environmental Lawyers, Port-Au-Prince, Haiti, May 30-June 2, 2016.

Invitation meeting of authors for Legal Aspects of Deep Decarbonization Pathway Project, Columbia University School of Law, New York City, New York, May 23, 2016.

*Legal and Moral Implications of Climate Change for the Energy Sector*, plenary presentation to the annual meeting of the Association of International Petroleum Negotiators, The Woodlands, Texas, May 11, 2016.

Moderated and spoke at panel on *Emerging Theories of Climate Change Liability*, University of Houston Law Center, Houston, Texas, April 21, 2016.

Speaker and organizer, *Climate Change Resiliency and Planning Workshop for Houston and Gulf Coast Region*, workshop at the Association of Industrial and Chemical Engineers, Houston, Texas, April 12, 2016.

Speaker, *Impact of the Paris Agreement on Houston and U.S. Climate Policy*, annual conference of the Citizens Environmental Coalition, Houston, Texas, March 24, 2016.

“Comparing Environmental Enforcement Review Under the Trans-Pacific Partnership and NAFTA’s Environmental Side Agreement”, North American Conference of Legal Educators, annual conference, Monterrey, Mexico, March 12, 2016.

“The Emerging Law of Ocean Engineering,” presentation to the International Conference on Sustainability and Economic Development hosted by UNESCO and India’s National Green Tribunal, New Delhi, India, March 6, 2016.

“Experiential Teaching in Environmental Law Classes,” American Association of Law Schools annual conference, New York City, January 8, 2016.

“U.S. Supreme Court Update: Air Pollution After *Michigan v. EPA*,” University of Houston Law Center CLE Series, July 28, 2015.

“Local Laws, Global Liability: How Domestic Laws Can Apply to Transnational Impacts of Climate Engineering,” presented at *Climate Engineering Conference 14*, Berlin, Germany, August 2014.

“Geoengineering Regulation Using Domestic Law,” Summer Geoengineering Institute, Harvard University, August 2013.

“Still Speaking Truth to Power? Revisions to the NAFTA CEC Environmental Submissions Process,” International Seminar on Human Rights and Environmental Justice, National Commission on Human Rights of Mexico, Mexico City, Sept. 26, 2012.

“Ethical Issues When The Lawyer is the Environmental Crimes Target,” presentation to the Houston Bar Association Environmental Section, Oct. 10, 2012.

“Private Claims for a Global Climate: U.S. and Indian Litigation Approaches to Climate Change and Environmental Harm,” Presentation to International Seminar on Global Environment and Disaster Management hosted by the State Department of India, New Delhi, July 23, 2011.

Participated in numerous academic conferences, including: Rocky Mountain Mineral Law Foundation annual conferences in 2011 and 2012 (Calgary and Los Angeles; attended 2012 conference as trustee representing UHLC); Widener Law School Workshop on Environmental Constitutional Law in Wilmington, Delaware on May 2012; moderated a panel on the impacts of shale gas production in the Eagleford shale at the UH and *Texas Tribune's* Symposium on Energy & the Environment on Apr. 13 at the University of Houston; keynote speaker at Air & Waste Management Association conference on clean air act issues, Jan. 12, 2012; AALS annual meetings in New Orleans (2010), San Francisco (2011) and Washington, DC (2012); ABA annual environmental conferences in Salt Lake City (2010, 2011, 2012), New Orleans (Fall 2010; moderated Environmental Enforcement panel with senior EPA and DOJ enforcement attorneys); Texas Environmental Superconference (2010, 2011, 2012); AALS conference of Natural Resource Law Teachers in Portland, Oregon (2011);

annual meetings of the American Law Institute in 2010 - 2012 (Washington, DC and San Francisco).

"Climate in the Courts: Climate Change Liability and Litigation," 13th Annual Hot Air Topics Conference, Air & Waste Management Association, Houston, January 14, 2010.

"Quiet So Far: A Muted Response to Allegations of the First Human Fatalities Linked to Nanoparticles," Environmental Law Institute, January 2010.

"Fifth Circuit Decision Threatens a Tsunami of Climate Change Tort Cases While the Defense Bar Awaits a Circuit Split," Environmental Law Update, October 22, 2009.

NANOTECHNOLOGY DESKBOOK (with Lynn Bergeson), Environmental Law Institute, 2008.

Additional speeches and presentations by Prof. Hester prior to 2009 are listed in his [curriculum vitae](#).

## **Education**

J.D., Columbia University School of Law, 1986

B.A., high honors, Phi Beta Kappa, The University of Texas at Austin, 1983

## **Bar Admissions**

District of Columbia

New York

Texas

## **Court Admissions**

U.S. Courts of Appeals for the 5th and District of Columbia Circuits

U.S. District Court for the Southern District of Texas



## **Affiliations**

### **Bar Affiliations**

State Bar of Texas, Environmental Law Section

District of Columbia Bar

State Bar of New York

American Bar Association, Environment, Energy and Resources Section:

Chair, Climate Change, Sustainable Development and Ecological Services Committee, 2018-2021

Co-chair (with Prof. Robin Craig), Law Professors Committee, 2016-2019

Elected to SEER Council, 2011-2014

Chair, Special Committee on Congressional Relations, ABA SEER, 2014-2016

Chair, Environmental Crimes and Enforcement Committee, ABA SEER, 2008-2010

Vice-Chair, Renewable Energy Committee, 2004-2008

Vice-Chair, Corporate Counsel Committee, 1999-2000

Houston Bar Association, Chair of Environmental Section, 2000-2001

### **Legal Affiliations**

American College of Environmental Lawyers

American Law Institute

World Commission on Environmental Law, International Union of the Conservation of Nature

Global Council on Science and Environment, Senior Fellow

University of Houston Energy Fellow

American Bar Foundation, Fellow

Texas Bar Foundation, Fellow

Nanotechnology Standards Panel of the American National Standards Institute, Steering Committee

International Council on Nanotechnologies, Advisory Committee

Houston Local Emergency Preparedness Committee, Pro Bono Counsel, 1998-2004

Greater Houston Partnership, Vice-Chair, Environmental Advisory Committee (now Sustainability), 1999-2006; Waste Subcommittee Chair, 1999-2003

### **Civic Affiliations**

Member, National Advisory Committee to U.S. Environmental Protection Agency re NAFTA's Commission on Environmental Cooperation and the North American

Agreement on Environmental Cooperation  
Texas Environmental Research Consortium, Chair, 2014-present  
Houston Audubon Society, Board of Directors 2018-2020, Board of Advisors 2012-present  
Galveston Bay Foundation, Trustee, 2004-2012  
Texas Risk Reduction Program Advisory Group, Steering Committee, 2004-2012  
Representative, Houston Ship Channel Dioxin TMDL Stakeholders Group  
Galveston Bay Council, member, 2004-2006  
Texas Association of Environmental Professionals, Board of Directors, 2004  
Virtuosi of Houston, Board of Directors, 2002-2005

### **Noteworthy**

Co-Founder and Co-Director, Center for Carbon Management in Energy, University of Houston  
Inducted into American College of Environmental Lawyers, 2015; elected Regent in 2018  
Elected to American Law Institute, 2004  
Chair, Environmental Law Section, American Association of Law Schools, 2020-2021  
Interim Director, Submittal on Environmental Matters Unit, Commission for Environmental Cooperation, 2014  
Environmental Scholar in Residence, Environmental Law Institute, 2015  
Named Top Environmental Lawyer in Houston by Best Lawyers in America, 2011  
LawDragon Leading U.S. Environmental Lawyer, 2023  
Chambers USA: America's Leading Business Lawyers, Environmental, 2003-2010  
Best Lawyers in America, 2006-2022  
Super Lawyers, Corporate Counsel Edition, 2009  
Texas Super Lawyers, 2003-2009