

In The
Supreme Court of the United States

STATE OF FLORIDA,

Plaintiff,

v.

STATE OF GEORGIA,

Defendant.

Before the Special Master
Honorable Ralph I. Lancaster

**MOTION OF J.B. RUHL FOR LEAVE TO FILE AN AMICUS BRIEF ON HIS BEHALF
IN SUPPORT OF THE PLAINTIFF STATE OF FLORIDA**

J.B. Ruhl
Professor of Law
Vanderbilt University Law School
131 21st Avenue South
Nashville, TN 37203
Tel.: (615) 322-6500
jb.ruhl@vanderbilt.edu

MOVANT'S INTEREST AND QUALIFICATIONS

I presently am employed as the David Daniels Allen Distinguished Chair in Law at Vanderbilt University Law School, where I teach courses on property, natural resources, and the legal industry. My research interests include natural resources and environmental law and policy. I practiced natural resources and environmental law for 12 years with Fulbright & Jaworski (now Norton Rose Fulbright) in Austin, Texas, before leaving full-time practice to enter academia in 1994.

A significant focus of my academic research has been on how to integrate principles from the discipline of ecosystem services studies into law and policy. Ecosystem services are the benefits humans receive from natural resources in the form of flows of goods and services, such as groundwater recharge, flood mitigation, and salinity regulation, many of which are public goods and thus not easily accounted for in markets. My interest in ecosystem services law and policy stems to my doctoral studies in geography at Southern Illinois University beginning in 1996, where I completed my dissertation, later published as a book, on the then-emerging law and policy of ecosystem services. *See* J.B. RUHL, STEVEN E. KRAFT, AND CHRISTOPHER L. LANT, *THE LAW AND POLICY OF ECOSYSTEM SERVICES* (Island Press 2007). I have devoted much of my academic career to advancing the integration of ecosystem services principles in law and policy.

Prior to joining the faculty at Vanderbilt, I taught for 12 years (1999 – 2011) at Florida State University College of Law (FSU). While at FSU, I devoted considerable research attention to the issues involved in this litigation. In particular, in anticipation that the states of Florida and Georgia would not resolve their dispute over allocation of water in the ACF basin through mediation or interstate compact, I focused research and analysis on how the Court's equitable allocation doctrine should incorporate principles of ecosystem services. *See* J.B. Ruhl, *Equitable*

Apportionment of Ecosystem Services: New Water Law for a New Water Age, 19 J. LAND USE & ENVT'L LAW 47 (2003). I have closely followed and remain keenly interested in developments in the states' dispute since then, including the filing of this original action.

PURPOSE OF MOVANT'S AMICUS BRIEF

The purpose of my amicus brief will be to advance the argument that the Court's equitable allocation doctrine should incorporate principles of ecosystem services and apply them in this matter. In my brief I will: (1) provide the Court background on the discipline of ecosystem services; (2) trace developments in law and policy integrating ecosystem services principles, including recent White House directives to federal agencies; (3) demonstrate that it is fully consistent with the Court's equitable apportionment doctrine to incorporate ecosystem services principles to help resolve the apportionment decision; and (4) suggest ways in which doing so will help clarify resolution of the equitable apportionment issues presented in this litigation regarding the ACF.

CONCLUSION

For the foregoing reasons, Movant seeks leave to file an amicus brief covering the subject matter described above.

Respectfully Submitted,

/s/ J.B. Ruhl

J.B. Ruhl
Professor of Law
Vanderbilt University Law School
131 21st Avenue South
Nashville, TN 37203
Tel.: (615) 322-6500
jb.ruhl@vanderbilt.edu

September 9, 2016

CERTIFICATE OF SERVICE

This is to certify that the J.B. Ruhl's Motion for Leave to File an Amicus Brief on His Behalf in Support of the Plaintiff State of Florida has been served on September 7, 2016, in the manner specified below:

<u>For State of Florida</u>	<u>For United States of America</u>
<p><u>By U.S. Mail:</u></p> <p>Jonathan L. Williams Deputy Solicitor General Office of Florida Attorney General The Capital, PL-01 Tallahassee, FL 32399 T: 850-414-3300 Jonathan.Williams@myfloridalegal.com</p>	<p><u>By U.S. Mail:</u></p> <p>Donald J. Verrilli Solicitor General Counsel of Record Department of Justice 950 Pennsylvania Avenue, N.W. Washington, DC 20530 T: 202-514-7717 supremectbriefs@usdoj.gov</p>
<p><u>By Email Only:</u></p> <p>Pamela Jo Bondi Craig Varn Christopher M. Kise James A. McKee Adam C. Losey Matthew Z. Leopold Philip J. Perry Abid R. Qureshi Claudia M. O'Brien Paul N. Signarella Donald G. Blankenau Thomas R. Wilmoth floridaacf.lwteam@lw.com floridawaterteam@foley.com</p>	<p><u>By Email Only:</u></p> <p>Michael T. Gray Michael.Gray2@usdoj.gov</p> <p>James DuBois James.Dubois@usdoj.gov</p>

For State of Georgia

By U.S. Mail:

Craig S. Primis, P.C.
Counsel of Record
Kirkland & Ellis LLP
655 15th Street, N.W.
Washington, D.C. 20005
T: 202-879-5000
Craig.primis@kirkland.com

By Email Only:

Samuel S. Olens
Nels Peterson
Britt Grant
Seth P. Waxman
K. Winn Allen
Sarah H. Warren
Georgiawaterteam@kirkland.com

Respectfully Submitted,

/s/ J.B. Ruhl

J.B. Ruhl
Professor of Law
Vanderbilt University Law School
131 21st Avenue South
Nashville, TN 37203
Tel.: (615) 322-6500
jb.ruhl@vanderbilt.edu

September 9, 2016