

## ***BLAKE ANDREW WATSON***

### **LEGAL EMPLOYMENT:**

Professor of Law (1992-present). University of Dayton School of Law, Dayton, Ohio

Major research interests are in the areas of Federal Indian Law, Environmental Law, and Natural Resources Law. Teaching interests include the following: Property, Administrative Law, Environmental Law, Indian Law, Natural Resources Law, Water Law, and Oil and Gas Law.

Visiting Professor (Spring 1998). Tulane Law School, New Orleans, Louisiana

Attorney, Appellate Section, Environment and Natural Resources Division, United States Department of Justice (1982-1992). Assisted in the briefing of two cases before the United States Supreme Court (*Hodel v. Irving*, 481 U.S. 704 (1987); and *South-Central Timber Development, Inc. v. Wunnicke*, 467 U.S. 82 (1984)). Briefed and argued three cases before state supreme courts. Briefed and argued over fifty cases before federal appellate courts.

Judicial Law Clerk (1981-1982). The Honorable Bailey Brown, United States Court of Appeals for the Sixth Circuit, Memphis, Tennessee

### **EDUCATION:**

Duke University School of Law, Durham, North Carolina

J.D. (With Distinction), May 1981  
Duke Law Journal, Staff Member, 1979-1980  
Duke Law Journal, Editorial Board Member, 1980-1981

Vanderbilt University, Nashville, Tennessee

B.A. (Summa Cum Laude), May 1978  
Majors: Political Science and Business Administration  
Honors: Phi Beta Kappa

### **BOOK:**

BUYING AMERICA FROM THE INDIANS: *JOHNSON v. MCINTOSH*, AND THE HISTORY OF NATIVE LAND RIGHTS (University of Oklahoma Press 2012)

**ARTICLES:**

*Ohio Oil and Gas Litigation in the New Fracking Era*, 74 Ohio State Law Journal Furthermore 47 (2013)

*Hydraulic Fracturing Primer*, May 15, 2013 (PDF) [list of articles on fracking contamination and trespass litigation; summaries of hydraulic fracturing contamination cases and complaints; and a list of cases and articles about "Lone Pine" case management orders], at [http://www.udayton.edu/directory/law/documents/watson/hydraulic\\_fracturing\\_primer\\_may\\_15\\_2013.pdf](http://www.udayton.edu/directory/law/documents/watson/hydraulic_fracturing_primer_may_15_2013.pdf)

*The Doctrine of Discovery and the Elusive Definition of Indian Title*, 15 Lewis & Clark Law Review 995 (2011)

*The Impact of the American Doctrine of Discovery on Native Land Rights in Australia, Canada, and New Zealand*, 34 Seattle University Law Review 507 (2011)

*John Marshall and Indian Land Rights: A Historical Rejoinder to the Claim of 'Universal Recognition' of the Doctrine of Discovery*, 36 Seton Hall Law Review 481 (2006)

*Indian Gambling in Ohio: What are the Odds?*, 32 Capital University Law Review 237 (2003)

"Understanding Challenges to Land Use Regulations And Impact Fees –A Primer on the Major Cases; Types of Challenges; and Supreme Court Tests," Appendix in Douglas T. Kendall, Timothy J. Dowling, and Andrew W. Schwartz, TAKINGS LITIGATION HANDBOOK: DEFENDING TAKINGS CHALLENGES TO LAND USE REGULATIONS (2000)

*The Thrust and Parry of Federal Indian Law*, 23 University of Dayton Law Review 437 (1998)

*The Curious Case of Disappearing Federal Jurisdiction Over Federal Enforcement of Federal Law: A Vehicle For Reassessment Of The Tribal Exhaustion/Abstention Doctrine*, 80 Marquette Law Review 103 (1997)

*Liberal Construction of CERCLA Under the Remedial Purpose Canon: Have the Lower Courts Taken A Good Thing Too Far?*, 20 Harvard Environmental Law Review 199 (1996)

*State Acquisition of Interests in Indian Land: An Overview*, 10 American Indian Law Review 219 (1982)

**BOOK REVIEWS:**

*Book Review, Robert J. Miller, Jacinta Ruru, Larissa Behrendt, and Tracey Lindberg, Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies, 32 Great Plains Research 71 (2012)*

*Book Review, Steven T. Newcomb, Pagans in the Promised Land: Decoding the Doctrine of Christian Discovery, 19 Great Plains Research 248 (2009)*

*Book Review, David E. Wilkins and K. Tsianinia Lomawaima, Uneven Ground: American Indian Sovereignty and Federal Law, 13 Great Plains Research 339 (Fall 2003)*

**SELECTED PRESENTATIONS:**

*Speakers Series, Indigenous Law Program, Michigan State University College of Law (February 26, 2013) (panel discussion of my book, *Buying America From the Indians*)*

*Shale Gas and Tight Oil: A 'Fracking' Primer for Real Property Lawyers, Professors' Corner: Legal Education and Uniform Laws Group Call (January 9, 2013) (teleconference sponsored by the ABA Real Property, Trust and Estate Law Section's Legal Education and Uniform Laws Group)*

*Fracking and Contamination Litigation, Utica Shale: Issues in Law, Practice and Policy, Cleveland-Marshall College of Law, Cleveland, Ohio (September 14, 2012)*

*Fracking Regulation and Litigation, Ohio Statehouse Day, League of Women Voters of Ohio, Columbus, Ohio (April 10, 2012)*

*Fracking – Facts and Fears, Dayton League of Women Voters, University of Dayton School of Law, Dayton, Ohio (February 29, 2012)*

*The Doctrine of Discovery in New Zealand and Australia, Lewis and Clark Law Review Symposium: The Future of International Law in Indigenous Affairs -- The Doctrine of Discovery, the United Nations, and the Organization of American States. Lewis and Clark Law School, Portland, Oregon (April 15, 2011)*

*Indian Gaming in Ohio, Gaming Law in Ohio, Ohio Legislative Service Commission (October 25, 2010)*

**SELECTED PRESENTATIONS (continued):**

*Understanding Challenges to Land Use Regulations and Impact Fees -- A Primer on Major Cases; Types of Challenges; and Supreme Court Tests*, Great Lakes Region Workshop for State and Local Government Attorneys, Cincinnati, Ohio (February 26, 1999)

**AWARDS:**

*Professor of the Year, University of Dayton School of Law*, as voted by the First Year Class (1992-1993, 1993-1994, 1994-1995, 1995-1996, 1998-1999, 2000-2001, 2001-2002, 2009-2010, 2010-2011); as voted by the Second Year Class (1993-1994, 1994-1995, 1995-1996, 1996-1997, 1998-1999); as voted by the Third Year Class (1993-1994, 1995-1996,); and as voted by the entire law school (2008-2009). [The Law School discontinued the practice of awarding this honor between 2003 and 2008.]

*Superior Achievement Award, Scholarly Publication*, given by the Illinois State Historical Society on April 27, 2013, for *BUYING AMERICA FROM THE INDIANS: JOHNSON V. MCINTOSH, AND THE HISTORY OF NATIVE LAND RIGHTS*.

*Special Achievement Award*, United States Department of Justice (1988).

**BAR MEMBERSHIPS:**

United States Supreme Court  
Courts of Appeals: District of Columbia, Fourth, Sixth, Eighth, Ninth, and Tenth Circuits  
State of Tennessee (inactive)

**CONTACT INFORMATION:**

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SSRN: <http://ssrn.com/author=1641044>  
BePress: [http://works.bepress.com/blake\\_watson](http://works.bepress.com/blake_watson)