

Justin M. Gundlach

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WORK EXPERIENCE

INSTITUTE FOR POLICY INTEGRITY AT NYU SCHOOL OF LAW

Senior Attorney

New York, NY

May 2020 - present

Attorney

Apr. 2019 - Apr. 2020

Identify strategic targets for research and advocacy, and write articles, reports, regulatory comments, legal briefs, and op-eds to pursue those targets. Participate in state and federal regulatory proceedings. Present research and advocate through formal and informal processes. Supervise junior attorneys and other staff. Portfolio covers issues at the intersection of energy and climate policy at the state and federal levels. Specific topics include energy system planning and the integration of emissions valuation and resilience into energy policy mechanisms.

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

New York, NY

Project Manager, Policy Development team

Apr. 2018 - Mar. 2019

Steered development of Clean Energy Industry Report and NYSERDA strategic plan. Managed contractors. Consulted on legislation. Lead author on chapters of draft 2019 State Energy Plan.

SABIN CENTER FOR CLIMATE CHANGE LAW, COLUMBIA LAW SCHOOL

New York, NY

Staff Attorney and Associate Research Scholar

Sept. 2017 - Mar. 2018

Fellow and Associate Research Scholar

Sept. 2015 - Sept. 2017

Researched and wrote articles, book chapters, comments on federal rules, amicus briefs, and blog posts on diverse topics related to climate change. Led adaptation planning workshops.

GEORGETOWN UNIV. LAW CENTER, INSTITUTE FOR PUBLIC REPRESENTATION

Washington, DC

Staff Attorney / Clinical Teaching Fellow

Aug. 2013 - Aug. 2015

Lead attorney on diverse cases. Litigated in federal and state court, and before federal and state agencies. Wrote and filed amicus briefs with the U.S. Supreme Court and in Federal Circuit Courts of Appeals. Managed client coalitions. Designed and taught seminars.

CROWELL & MORING LLP

Washington, DC

Associate, Litigation and Health Care Practice Groups

2011 - 2013

Drafted briefs and motions for litigation. Managed discovery. Conducted regulatory analyses.

COUNCIL ON ENVIRONMENTAL QUALITY, EXEC. OFFICE OF THE PRESIDENT

Washington, DC

Intern, Energy & Climate Change Team

Fall 2010

Conducted research and drafted sections of *A Policy Framework for the 21st Century Grid*.

EDUCATION

GEORGETOWN UNIVERSITY LAW CENTER

Washington, DC

L.L.M. with distinction

May 2015

NEW YORK UNIVERSITY SCHOOL OF LAW

New York, NY

J.D. *cum laude*

May 2010

LONDON SCHOOL OF ECONOMICS

London, UK

M.Sc. in Economic History (research track)

November 2004

WESLEYAN UNIVERSITY

Middletown, CT

B.A. *magna cum laude*

May 2003

Majors: The College of Social Studies (Honors) and German Studies (Honors)

PUBLICATIONS

Articles

- Costs, Confusion, and Climate Change* (with Michael Livermore)
39 *Yale Journal on Regulation* (forthcoming 2021).
- Building a New Grid Without New Legislation: A Path to Revitalizing Federal Transmission Authorities* (with Avi Zevin, Sam Walsh & Isabel Carey), 48 *Ecology Law Quarterly* 179 (2021).
- Harmonizing State Energy Utility Regulation and Climate Laws: A Case Study of New York* (with Elizabeth Stein)
41 *Energy Law Journal* 211 (2020).
- Climate Risks Are Becoming Legal Liabilities for the Energy Sector*
5 *Nature Energy* (Feb. 2020).
- Resilience Financing – Building Resilience to Natural Hazards and Accidents* (with Cullen Howe)
in Real Estate Financing (LexisNexis 2019) (reprinted in *California Law Reporter*, Jan. 2020).
- Microgrids and Resilience to Climate-Driven Impacts on Public Health* (invited symposium contribution)
18 *Houston Journal of Health Policy & Law* 77 (2018).
- DER Participation in Wholesale Markets: Lessons from the California ISO* (with Romany Webb)
39 *Energy Law Journal* 47 (2018).
- To Negotiate a Carbon Tax: a Map of Policy Interactions, Tradeoffs, and Risks*
43 *Columbia Journal of Environmental Law* 269 (2018).
- Carbon Pricing in New York ISO Markets* (with Romany Webb)
35 *Pace Environmental Law Review* 1 (2018).
- Putting Green Infrastructure on Private Property in New York City*
28 *Environmental Law in New York Newsletter* 139 (Sept. 2017).
- Integrating Climate Change Resilience Into HUD’s Disaster Recovery Program* (with Channing Jones)
46 *Environmental Law Reporter* 10282 (2016).
- Elec. Power Supply Ass’n v. FERC—The End of Wholesale Demand Response?*
42 *Ecology Law Quarterly* 699 (2015).
- Modernizing the Business of Health: Pharmaceuticals in Britain, in comparison with Germany and the U.S., 1890–1940*
(with Jonathan Liebenau) 22 *Journal of Industrial & Corporate Change* 807 (2013).
- Note, *What’s the Cost of a New Nuclear Power Plant? The Answer’s Gonna Cost You*
18 *NYU Environmental Law Journal* 600 (2010).
- Note, *The Problem of Ambulance Diversion, and Some Potential Solutions*
13 *NYU Journal of Legislation and Public Policy* 175 (2010).

Books and book chapters

- Section 115 in Practice*
in Combating Climate Change with Section 115 of the Clean Air Act (Michael Burger ed., Elgar 2020).
- Climate Change and Energy Transition Policies* (with Michael Gerrard)
in Oxford Handbook of Comparative Env’tl. Law (J. Vinuales & E. Lees eds. 2019).
- Climate Change, Public Health, and the Law* (Michael Burger & Justin Gundlach, eds., 2018);
authored:
Chapter 6, *The Built Environment* (with Jennifer Klein)
Chapter 13, *How Existing Environmental Laws Respond to Climate Change and Its Mitigation*.
- Carbon Capture, Sequestration, and Utilization in the U.S. Climate Change Policy Context* (with Michael Gerrard)
in Carbon Capture and Sequestration: Emerging Legal & Regulatory Issues, 2nd ed. (R. Macrory & R. Stewart, eds. 2018).

PUBLICATIONS (CONTINUED)

Climate Engineering Research Governance (with Michael Burger)
in *Climate Engineering & the Law: Regulation & Liability for Solar Radiation Management & Carbon Dioxide Removal* (Michael Gerrard & Tracy Hester eds. 2018).

Reports and White Papers

- Resource Adequacy in a Decarbonized Future: Wholesale Market Design Options and Considerations* (Mar. 2021) (with Sylwia Bialek & Christine Preis).
- Carbon Pricing in Wholesale Electricity Markets: An Economic and Legal Guide* (Apr. 2020) (with Matt Butner, Bethany Davis Noll, Burcin Unel, and Avi Zevin).
- Getting the Value of Distributed Energy Resources Right: Using a Societal Value Stack* (with Burcin Unel) Institute for Policy Integrity (Dec. 2019).
- Committee Report: *Support for the American Innovation & Manufacturing Act of 2018* (contributing author), New York City Bar Association (May 2018).
- Climate Change Impacts on the Bulk Power System: Assessing Vulnerabilities and Planning for Resilience* (with Romany Webb) Columbia Law School, Sabin Center for Climate Change Law (Feb. 2018).
- The Status of Climate Change Litigation: A Global Review* (with Michael Burger)
UN Environment (May 2017).
- Strategic Adaptation Plans for City of Clearwater, City of St. Augustine, & Escambia County* (June 2017).
- Local Law Provisions for Climate Change Adaptation* (with Dane Warren)
Columbia Law School, Sabin Center for Climate Change Law (May 2016).
- The Electric Grid and Its Regulators—FERC and State Public Utility Commissions* (with Payal Nanavati)
in *Legal Tools for Climate Adaptation Advocacy: A Handbook for Advocates* (2016).
- How Much Does the Existing Regulatory Patchwork Reduce U.S. Greenhouse Gas Emissions?*,
Columbia Law School, Sabin Center for Climate Change Law (Nov. 2015).
- A Policy Framework for the 21st Century Grid*, Exec. Office of the President (contributing author) (2011).

Op-Eds

- Rise to the Climate Crisis, NYC*, New York Daily News, Sept. 3, 2021
- Improve the Social Cost of Carbon, Do Not Replace It*, Regulatory Review, Apr. 12, 2021 (with Peter Howard).
- NY Must Uproot Old Laws To Make Real Climate Progress*, Law360, Dec. 17, 2020 (with Elizabeth Stein)
- Utilities Should Be Required to Disclose Their Climate-Related Financial Risks*, Utility Dive, Dec. 15, 2020 (with Michael Panfil & Romany Webb).
- This Is Not the Way to Move Beyond Net Metering*, Utility Dive, June 18, 2020 (with Burcin Unel).
- Should Fossil-Fuel Companies Bear Responsibility for the Damage Their Products Do to the Environment? Yes*, Wall Street Journal (opinion), Nov. 21, 2019.
- We Need to Be Better Prepared for the Next Irma*, Fortune, Sept. 11, 2017 (with Michael Gerrard).
- U.S. Cities Know that Dropping the Clean Power Plan Is a Huge Mistake*, Huffington Post, Mar. 28, 2017 (with Michael Burger).

PRESENTATIONS, SPEECHES, WORKSHOPS & PODCASTS

- Presenter and panelist, “Translating Public Health Insights into Policy Action,” Network for Public Health Law 2021 Conference, Sept. 23, 2021.
- Presenter and panelist, “Comprehensive Planning, Market Design & Resource Adequacy” NARUC’s National Council on Electricity Policy, Sept. 14, 2021.
- Presenter, Environmental Justice and Energy Policy Seminar, National Bar Association Convention, July 25, 2021.

PRESENTATIONS, SPEECHES, WORKSHOPS & PODCASTS (CONTINUED)

- Presenter/interviewee, Harvard Environmental & Energy Law Program's CleanLaw Podcast: "Harmonizing States' Energy Utility Regulation Frameworks and Climate Laws," Mar. 25, 2021.
- Presenter and panelist, "Addressing the Social Costs of Driving Through a Vehicle Miles Traveled Fee," Policy Integrity & ITIF, Mar. 24, 2021.
- Presenter and panelist, "When Old Laws Threaten New Climate Ambitions: A New York Case Study," Policy Integrity & EDF, Jan. 28, 2021.
- Presenter and panelist, "Building a New Grid Without New Legislation," Policy Integrity & Center on Global Energy Policy, Dec. 14, 2020.
- Presenter, "Getting the Value of DERs Right," Arkansas PSC Workshop, May 8, 2020.
- Presenter, "Valuing DERs," NYC DER Task Force webinar, May 6, 2020.
- Presenter and panelist, NYSBA Public Utility Law 2019 program, energy storage panel, May 2, 2019.
- Presenter and workshop participant, "Climate Risk Impacts on the Energy System: Examining the Financial, Security, and Technological Dimensions," Council on Foreign Relations, Mar. 18-19, 2019.
- Presenter and discussant, "State policy interactions with a prospective federal carbon tax," Partnership for Growth, Pew Charitable Trusts, and National Wildlife Federation, at the Brookings Institution, Nov. 15, 2018.
- Presenter and panelist, "Climate Change, Coasts, and Precaution," Pace Environmental Law Review Symposium, Apr. 25, 2018.
- Workshop participant, "Federal Options for Pricing Carbon," University of Houston Law Center, Feb. 21-22, 2018.
- Symposium participant, "Is Climate Change Making Us Sick?," University Houston Law Center's Environment, Energy, and Natural Resources Center and Health Law and Policy Institute, Dec. 7, 2017.
- Presenter and panelist, "Interactions between Climate Change, Public Health, and Law: a (Quick) Survey" American Public Health Association conference, Atlanta, Nov. 7, 2017.
- Presenter and panelist, "U.S. Energy Policy 2017: Making Carbon Great Again?," Great Lakes Energy Institute and the Property & Environment Research Center, Case Western Reserve Law School, Oct. 2, 2017.
- Moderator, "Using Green Infrastructure for Climate Adaptation and Hazard Mitigation," panel discussion hosted by the Sabin Center & Environmental Law Institute, Columbia Law School, Apr. 13, 2017.
- Presenter, "Putting Green Infrastructure on Private Property in NYC," 2nd Interdisciplinary Workshop on Green Infrastructure, Columbia University, Oct. 27, 2016
- Speaker, "Climate Change - What to Do About It," Remarks at Building Energy Exchange following a screening of "This Changes Everything," Apr. 20, 2016.
- Presenter and panelist, "The Clean Power Plan," New York State Bar Association, 2016 Public Utility Law Institute, Albany, Apr. 7, 2016.

MEMBERSHIPS & PROFESSIONAL AFFILIATIONS

- New York State Climate Impact Assessment: Member, Technical Working Group for Energy
- New York State Bar
- New York City Bar Association: Energy Committee Co-Chair, 2021-2024
- New York State Bar Association's Racism Task Force: Member, EJ Subcommittee
- New York City Environmental Law Leadership Institute: Advisory Board Member
- City Atlas (maker of Energetic): Board Member

LANGUAGES: German (proficient), Spanish (proficient)