

JESSE J. RICHARDSON, JR.

WORK ADDRESS

West Virginia University College of Law
101 Law School Dr.
Morgantown, W. Va. 26506-6130

EDUCATIONAL BACKGROUND

University of Virginia School of Law
Charlottesville, Virginia 22901
J.D., May 1987

Honors: Edwin S. Cohen Tax Scholarship (University of Virginia School of Law)
William Minor Lile Moot Court Competition-Second Round (University of Virginia College of Law)
American Agricultural Law Association

Virginia Polytechnic Institute and State University
Blacksburg, Virginia 24061
B.S., Agricultural Economics, *magna cum laude*, June 1984
M.S., Agricultural and Applied Economics, May 1996

EMPLOYMENT HISTORY

West Virginia University College of Law, Morgantown, West Virginia

Professor of Law: August 2017 to present.
Associate Professor: August 2014 to August 2017.
Lead Land Use Attorney: July 2012 to present

Virginia Polytechnic Institute and State University, Blacksburg, Virginia 24061-0113
Associate Professor, Urban Affairs and Planning; August 2004 to August 2014.
Assistant Professor, Department of Urban Affairs and Planning; August 10, 1998 to August 2004.
Program Chair, June 1, 2007-July 30, 2008

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PUBLICATIONS

Books, Book Chapters, Monographs, Reports:

Kris Koski, Jesse Richardson, Tara Righetti, & Sam Taylor, UNITED STATES ENERGY ASSOCIATION, Study on State's Policies & Regulations per CO2-EOR Storage Conventional, ROZ and EOR in Shale: Permitting, Infrastructure, Incentives, Royalty Owners, Eminent Domain, Mineral-Pore Space, and Storage Lease Issues (2020).

Dooley, Elizabeth and Jerry Anderson, and Jesse J. Richardson, Jr., *United States*, DEFINITIONS OF "FOREST" AND THE LAW: A GLOBAL COMPARISON (M. Monteduro, P. Buongiorno, S. Doumbe-Bille, and D. Santiago Iglesias, ed., forthcoming) (peer reviewed book chapter) (in press) (2021).

Richardson, J. J. (2019). *An Analysis of Mandatory Hookup Law: Cases and Statutes* (pp. 1-61). Washington, DC: Water Systems Council.

Richardson, J. J. (2018). Uncertainty of Land Tenure and the Effects on Sustainability on Agriculture in the United States. *International Yearbook of Soil Law and Policy 2017* (pp. 125-149). Springer International Publishing.

Richardson, J. J. (2017). Post-Colonial Evolution of Water Rights in India and the United States. In S. Pellissery, H. Jacobs, & B. Davy (Eds.), *Land Policies in India*. Springer International.

Richardson, J. J. (2016). *Who Owns the Water?* Washington, D.C.: Water Systems Council.

Richardson, J. J., Aloï, I. (Graduate Student) (2017). *Exempt Wells and Agriculture* (pp. 10). Fayetteville, Arkansas: National Agricultural Law Center. <http://nationalaglawcenter.org/wp-content/uploads/assets/articles/Exempt-Wells-Agriculture-Richardson.pdf>

Richardson, J. J., Aloï, I. (Graduate Student) (in press). *Legal Liability Manual for Direct Marketing and Agritourism in West Virginia*. Morgantown, WV: West Virginia Cooperative Extension.

Richardson, J. J. (2017). Formal Instruments to Address Environmental Change and Property Rights. In J. Sheehan, F. van Der Straalen, & T. Hartmann (Eds.), *Property Rights and Climate Change: Land-Use Under Changing Environmental Conditions*.

Dooley, E., Anderson, J., Richardson, J. J. Definitions of "Forest" in the United States. In M. Monteduro, P. Buongiorno, S. Doumbe-Bille, & D. Santiago Iglesias (Eds.), *Definitions of Forest and the Law: A Global Comparison*. Springer International Publishing.

Richardson, J. J., Aloï, I. (Graduate Student) (2017). *Water Rights Table*. Fayetteville, Arkansas: National Agricultural Law Center. <http://nationalaglawcenter.org/wp-content/uploads/assets/articles/Water-Rights-Tables-Richardson.pdf>

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Bowen, E., Christiadi, C., Deskins, J., Lego, B., Plein, L. C., Richardson, J. J., Garvey, K. C., Waldie, S. (2017). *A Roadmap on Maximizing Local Government Effectiveness in West Virginia*. Morgantown. West Virginia: West Virginia University.

Dooley, E., Richardson, J. J. (2016). United States Soil Degradation. In H. Ginzkey, I. L. Heuser, T. Qin, O. C. Ruppel, & P. Wegerdt (Eds.), *International Yearbook of Soil Law and Policy 2016* (pp. 411-430). Cham: Springer International Publishing.

Richardson, Jesse J., Jr., Meghan Zimmerman Gough, Robert Puentes, "Is Home Rule the Answer?", A Discussion Paper prepared for The Brookings Institution Center on Urban and Metropolitan Policy, January 2003, 48 pp. <http://www.brookings.edu/es/urban/publications/dillonsrule.htm>

Scholarly Papers and Journal Articles:

Richardson, Jr., J.J. (2021), The national flood insurance program as an incentive to employ multiple regulatory approaches to manage floodplains: Lessons learned from Pennsylvania, Vermont and West Virginia, *Environmental Science and Policy*, 115:8-15.

Richardson, Jr., J.J. (2020). Regulation of Large Dairy Farms in Karst Regions of the United States. *Proceedings of the 16th International Sinkhole Conference*. Carlsbad, New Mexico: National Cave and Karst Research Institute.

Richardson, J. J. (2018). Karst, Scientific Uncertainty and the Law. *Proceedings of the 15th International Sinkhole Conference*. Carlsbad, New Mexico: National Cave and Karst Research Institute.

Swauger, C., Anderson, J. B., Richardson, J. J. (2018). Fighting the Opioid Epidemic: Comprehensive Planning by Local Governments in West Virginia. *Municipal Lawyer*, 59(4), 12-15, 30-33.

Richardson, J. J. (2017). *The Uniform Partition of Heirs Property Act: Treating Symptoms and Not the Cause?* (vol. 45, pp. 507-574). *Real Estate Law Journal*.

Richardson, J. J. (2017). Fitting Regulatory Square Pegs into Round Holes: Local Land Use Regulation in Karst Terrain. In W. B. White (Ed.), *Karst, Groundwater Contamination, & Public Health: Moving Beyond Case Studies*.

Richardson, J. J. (2017). *Hydraulic Fracturing and Local Government: Battle in the Shale Fields* (1st ed., vol. 58, pp. 12-24, 34-35). Rockville, Maryland: Municipal Lawyer: The Journal of Local Government Law; International Municipal Lawyer Association.

Richardson, J. J. (2017). Fitting Regulatory Square Pegs into Round Holes: Local Land Use Regulation in Karst Terrain. In W. B. White (Ed.), *Karst, Groundwater Contamination, & Public Health: Moving Beyond Case Studies*.

Richardson Jr., Jesse J., *Land Tenure and Sustainable Agriculture*, 3 Tex. A&M L. Rev. 799 (2016).

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Richardson, Jr., Jesse J., *Agricultural Preferences in Eastern Water Allocation Statutes*, 55 NAT. RESOURCES J. 329 (2015).

Richardson, Jr., Jesse J., *Local Regulation of Hydraulic Fracturing*, 117 W. VA. L. REV. 593 (2014).

Richardson, Jr., Jesse J., *Exiting Regulation of Exempt Wells in the United States*, 148 JOURNAL OF CONTEMPORARY WATER RESEARCH AND EDUCATION Issue 1, 3-9 (Sept. 2012).

Richardson, J., Dowell, T., *The Implications of Bounds v. State of New Mexico*, 148 JOURNAL OF CONTEMPORARY WATER RESEARCH AND EDUCATION Issue 1, 17-23 (Sept. 2012).

Richardson, J., Bernard, A. C. *Zoning for Conservation Easements*. 74 LAW AND CONTEMP. PROB. 83, scholarship.law.duke.edu/lcp/vol74/iss4/5 (2011).

Richardson, J., *Dillon's Rule is From Mars, Home Rule is From Venus: Local Government Autonomy and the Rules of Statutory Construction*, 41 PUBLIUS: THE JOURNAL OF FEDERALISM/OXFORD UNIVERSITY PRESS, Issue 4, 662-685, doi.org/10.1093/publius/pjr030 (2011).

Richardson, Jr., Jesse J., *Conservation Easements and Adaptive Management*, 3 SEA GRANT LAW AND POLICY JOURNAL 1, 31 (2010).

Richardson, Jr., Jesse J., *Conservation Easements and Ethics*, 17 SAN JOAQUIN JOURNAL OF AGRICULTURAL LAW 1, 31 (2008).

Dymersky, Michael A., and Jesse J. Richardson, Jr., *Use of Motive Evidence in Judicial Review of Rezoning*s, 37 ENVIRO. L. Reporter 10472 (July 2007).

Richardson, Jesse J., Jr., *Beyond Fairness: What Really Works to Protect Farmland*, 12 DRAKE JOURNAL OF AGRICULTURAL LAW 163 (2007).

Richardson, Jesse J., Jr., *Nuisance or NIMBY? Land Application of Biosolids*, 9 INTERDISCIPLINARY ENVIRONMENTAL REVIEW, Issue 2, December 2007.

Geyer, L. Leon, Jesse J. Richardson, Jr. and Sara Breakiron, *Windfarms: Windfall or Wipeout?* 9 INTERDISCIPLINARY ENVIRONMENTAL REVIEW, Issue 1, June 2007.

Mortimer, Michael J., Jesse J. Richardson, Jr., Jeffrey S. Huff and Harry L. Haney, Jr., "A Survey of Forestland Conservation Easements in the United States: Implications for Forestland Owners and Managers", 6 *Small-scale Forestry*, 35 <<http://dx.doi.org/10.1007/s11842-007-9003-5>> (2007).

Richardson, Jr., Jesse J., "Judge Dillon and Karst: Limitations on Local Regulation of Karst Hazards", in *Sinkholes and the Engineering and Environmental Impacts of Karst*, Barry Beck, Ed., American Society of Civil Engineers (2005).

Richardson, Jr., Jesse J. and Terri Brown, "Non-Regulatory Approaches to Development in Karst", in *Sinkholes and the Engineering and Environmental Impacts of Karst*, Barry Beck, Ed., American Society of Civil Engineers (2005).

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Richardson, Jesse J., Jr., "Local land use regulation of karst in the United States", *Geotechnical and Environmental Applications of Karst Geology and Hydrology*, Proceedings of the Ninth Multidisciplinary Conference on Sinkholes and the Engineering and Environmental Impact of Karst, Balkema Publishers, Lisse, The Netherlands (2003).

Richardson, Jesse J., Jr., *Downzoning, Fairness and Farmland Protection*, 19 JOURNAL OF LAND USE AND ENVIRONMENTAL LAW 59 (2003).

Richardson, Jesse J., Jr., "Legal Impediments to utilizing groundwater as a municipal water supply source in karst terrain in the United States", *Environmental Geology* (2002).

Richardson, Jesse J., Jr., "Legal Impediments to utilizing groundwater as a municipal water supply source in karst terrain in the United States", *Geotechnical and Environmental Applications of Karst Geology and Hydrology*, Proceedings of the Eighth Multidisciplinary Conference on Sinkholes and the Engineering and Environmental Impact of Karst, Balkema Publishers, Lisse, The Netherlands (2001), pp. 253-258.

Richardson, Jesse J., Jr., and Theodore A. Feitshans, *Nuisance Revisited After Buchanan and Borman*, 5 DRAKE UNIVERSITY JOURNAL OF AGRICULTURAL LAW 121(2000).

Richardson, Jesse J., Jr., and L. Leon Geyer, *Ten Limitations to Ponder on Farm Limited Liability Companies*, 4 DRAKE UNIVERSITY JOURNAL OF AGRICULTURAL LAW 197 (1999).

Richardson, Jesse J., Jr. *How a Sole Practitioner Uses the Electronic Office to Maintain a Competitive Law Practice*, 3 DRAKE UNIVERSITY AGRICULTURAL LAW JOURNAL 141 (1998).

Richardson, Jesse J., Jr. *Maximizing Tax Benefits for Farmers and Ranchers Implementing Conservation and Environmental Plans*, 48 UNIVERSITY OF OKLAHOMA L. REV. 449 (1995).

SELECTED RECENT PRESENTATIONS

Richardson, J., "Legal Ethics and Cannabis," Nebraska Agricultural and Water Law Conference, <https://sites.google.com/view/nebraskawaterlawcle/home> (March 21, 2019).

Richardson, J. (with Anthony Schutz), "Discharges Under the Clean Water Act," Nebraska Agricultural and Water Law Conference, <https://sites.google.com/view/nebraskawaterlawcle/home> (March 21, 2019).

Richardson, J., "Legal Ethics and Cannabis," Strategic Cannabis Conference (March 1, 2019).

Richardson, J., "Legal Ethics and Marijuana- representing clients," American Agricultural Law Association (October 27, 2018).

Richardson, J., "Land Use and Natural Resources Law Update," American Agricultural Law Association (October 26, 2018).

Richardson, J., "West Virginia's Co-Tenancy Law," Real Estate and Land Use Law 2018 (September 8, 2018).

Richardson, J. (with Jared Anderson, Gina DiCicco, and Kristin Owen), "Planning for the Next Flood," Virginia Chapter of the American Planning Association (July 24, 2018).

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Richardson, J., “A Review of Court Decisions and Regulations Affecting the Rights of Private Well Owners and Small Groundwater Based Water Systems in Western States,” States’ Rights and the Control of Groundwater in the West (July 17, 2018).

Richardson, J., “Federal Reserved Water Rights and the nature of Water as Property,” Association of Law, Property and Society Conference (June 2, 2018).

Richardson, J., “Heirs Property,” West Virginia University Law Review Symposium (February 23, 2018).

Richardson, J., “Tribal Groundwater,” Law of the Rio Grande CLE Conference (April 6, 2018).

Richardson, J., “Regulatory Takings,” Podcast, AG Law in the Field, <https://aglaw.libsyn.com/episode-26-jesse-richardson-regulatory-takings> (January 26, 2018).

Richardson, J. (with Tiffany Dowell Lashmet), “Regulatory Takings,” Podcast, Texas A&M University, <http://aglaw.libsyn.com/episode-26-jesse-richardson-regulatory-takings> (January 10, 2018).

Richardson, J., “Implications of Mississippi v. Tennessee on the Groundwater Industry,” National Groundwater Association (December 6, 2017).

Richardson, J., Karst, “Scientific Uncertainty and the Courts,” Friends of Karst Symposium Conference (November 10, 2017).

Richardson, J. (Panel Member with Morgan Leach), “Legal Issues Affecting Medical Cannabis,” West Virginia Osteopathic Medicine Association (November 2, 2017).

Richardson, J. (with Peggy Kirk Hall and Anthony Schutz), “Workshop on Land Use Law for the Rural Practitioner,” American Agricultural Law Association (October 28, 2017).

Richardson, J., “Resource and Land Use Law Update,” American Agricultural Law Association (October 27, 2017).

Richardson, J. (Debate Participant), “Water Rights in the United States,” National Groundwater Association Board of Directors Meeting (June 7, 2017).

Richardson, J., “Impact of Uncertain Land Tenure on Sustainable Agriculture,” University of Guelph Department of Agricultural Economics, Seminar (May 24, 2017).

Richardson, J., “Heirs Property and the Uniform Partition of Heirs Property Act,” Association of Law, Property and Society Conference (May 20, 2017).

Richardson, J., “Legal Liability Issues in Agritourism and Direct Marketing,” West Virginia Cooperative Extension (April 21, 2017).

Richardson, J., “Defining Trespass and Adverse Possession,” West Virginia State Bar CLE (April 20, 2017).

Richardson, J., “Understanding Riparian and Groundwater Rights,” West Virginia State Bar CLE (April 20, 2017)

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COMMUNITY SERVICE AND PRO BONO ACTIVITIES

Water Well Trust
Virginia Cave Board
Cave Conservancy of the Virginias
Commonwealth of Virginia Farmland Preservation Task Force
Commonwealth of Virginia Water Policy Technical Advisory Committee
New River Valley Land Trust, Technical Advisory Committee
Commonwealth of Virginia Farm Transition Taskforce

OTHER MEMBERSHIPS

Board of Directors, American Agricultural Law Association, 2010-2016, President-Elect, 2013- 2014t;
President, 2014-15
Board of Directors, National Cave and Karst Research Institute, 2010-2016
Board of Directors, Universities Council on Water Resources, 2011-2014
Legislative Committee, Virginia Chapter, American Planning Association, 2011-present
Board of Directors, Water Well Trust

HONORS

University Award for Outreach Excellence, Virginia Polytechnic Institute and State University, 2009
William E. Wine Award for excellence in teaching, highest teaching award granted by Virginia Tech, 2004
Article chosen for inclusion in the 2001 *Zoning and Planning Law Handbook*, a collection of the most outstanding law review articles relating to land use law in the past year, 2001
University Certificate of Teaching Excellence, awarded to only one of over 100 professors in the Virginia Tech College of Architecture and Urban Studies, 2000
American Agricultural Law Association Award of Excellence for Professional Scholarship (for the best law review article on an agricultural law topic, 1999