

STEPHEN M. JOHNSON

LAW TEACHING EXPERIENCE:

MERCER LAW SCHOOL, Macon, Ga., July 1993 - present

Professor of Law

Assoc. Dean for Academic Affairs (2002-2012)

Subjects: Environmental Law, Administrative Law, Torts,
Statutory Law, & Dispute Resolution.

VERMONT LAW AND GRADUATE SCHOOL, South Royalton, Vt., Summer 2026,

Adjunct Professor. Subjects: Wetlands Law and Regulation

UNIVERSITY OF GRANADA, Granada, Spain, Summer 2006

Comparative Environmental Law

NOTRE DAME LAW SCHOOL, South Bend, In., Fall 2003

Visiting Professor. Subjects: Torts, Environmental Law Seminar.

UNIVERSITY OF TOKYO / WASEDA UNIVERSITY, Tokyo, Japan, Summer 2003

Fulbright Lecturer: American Law; American Environmental Law.

QUEEN MARY UNIVERSITY OF LONDON, London, England, Fall 2000

Visiting Research Fellow: Comparative Environmental Law.

STRATHCLYDE UNIVERSITY LAW SCHOOL, Glasgow, Scotland, Nov. 1999

Visiting Fellow: Technology in Legal Education.

EDUCATION:

GEORGE WASHINGTON UNIVERSITY, Washington, D.C.

LL.M.in Env'tl. Law - Oct., 1991 (With Honors.)

VILLANOVA LAW SCHOOL, Villanova, Pa.

J.D. Degree - May 1988 (Magna Cum Laude); Order of the Coif.

VILLANOVA UNIVERSITY, Villanova, Pa.

B.S. in Computer Science / Minor in English - May 1985

Graduated Summa Cum Laude (Ranked 1st in class).

Member - Phi Kappa Phi and Pi Mu Epsilon Honor Societies.

OTHER LEGAL EXPERIENCE:

UNITED STATES DEPARTMENT OF JUSTICE,

ENVIRONMENT & NATURAL RESOURCES DIVISION,

ENVIRONMENTAL DEFENSE SECTION, Washington, D.C.

Trial Attorney: Represented EPA and other federal agencies as lead counsel in
trial and appellate environmental litigation. March, 1991 - June, 1993.

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES,

BUREAU OF REGULATORY COUNSEL, Harrisburg, Pa.

Assistant Counsel: Provided legal counsel to the Bureau of Waste Management.
Responsibilities included drafting and reviewing environmental regulations and
legislation, and litigation. October, 1988 - February, 1991.

STEPHEN M. JOHNSON

PUBLICATIONS:

Books:

Statutory Law: A Course Source, eLangdell Press (2024, 2d ed., rev. 2025).

Wetlands Law: A Course Source, eLangdell Press (2016, 6th ed., rev. 2025).

Economics, Equity and the Environment, Environmental Law Institute (2004).

Wetlands Law and Policy: Understanding Section 404, ABA SEER (2005).
(Co-editor of book; Author - Individual Permits Chapter).

Articles:

e-Rulemaking

Automating the Administrative State? Caution and Humility in the Use of Generative AI in Rulemaking, forthcoming in ADMIN. L. REV. ACCORD (2026).

Augmenting, Not Automating: The Proper Role of LLMs Across the Rulemaking Lifecycle, forthcoming in WAYNE L. REV. (2026).

The Promise and Peril of ChatGPT in Informal Rulemaking, 48 ADMIN. LAW & REG. NEWS (Summer 2023).

Rulemaking 3.0: Incorporating AI and ChatGPT Into Notice and Comment Rulemaking, 88 MO. L. REV. 1021 (2023).

#Better Rules: The Appropriate Use of Social Media in Rulemaking, 44 FLA. ST. U. L. REV. 1 (2017).

Beyond the Usual Suspects: ACUS, Rulemaking 2.0 and a Vision for Broader, More Informed and More Transparent Rulemaking, 65 ADMIN. L. REV. 77 (2013), *reprinted in part* in Jerry L. Mashaw, Richard A. Merrill, Peter M. Shane, ADMINISTRATIVE LAW, THE AMERICAN PUBLIC LAW SYSTEM: CASES AND MATERIALS (7th ed. 2014).

The Internet Changes Everything: Revolutionizing Public Participation and Access to Government Information Through the Internet, 50 ADMIN. L. REV. 277 (1998). (50th anniversary edition).

Statutory Interpretation

Ordinary Meaning, Extraordinary Tools: Dictionaries, Corpora and Generative AI, 58 TEXAS TECH L. REV. (2026) (forthcoming).

Whither The Lofty Goals of the Environmental Laws?: Can Statutory Directives Restore Purposivism When We are All Textualists Now?, 49 PEPP. L. REV. 285 (2022).

From Protecting Water Quality to Protecting States' Rights: Fifty Years of Supreme Court Clean Water Act Statutory Interpretation, 74 S.M.U. L. Rev. 359 (2021) (Received the Mercer University Law School Board of Visitors' Excellence in Scholarship Award, Oct. 2022).

Environmental Justice

Economics v. Equity II: The European Experience, 58 WASH. & LEE L. REV. 417 (2001), *translated into Chinese and reprinted in part* in 2009:10 Environmental Economy 23-30.

Economics v. Equity: Do Market-Based Environmental Reforms Exacerbate Environmental Injustice?, 56 WASH. & LEE L. REV. 111 (1999) (selected by peer review as a finalist for the Land Use and Environmental Law's "Best Environmental Articles of 1999"); *reprinted in* Environmental Justice: Law, Policy, and Regulation (with Nadia Ahmad, Rebecca Bratspies, and Clifford Villa) (3d edition, Carolina Academic) (2020); *translated into Chinese and reprinted in part* in 2009:6 Environmental Economy 36-41 and 2009:8 Environmental Economy 20-26.

Economic Instruments and Environmental Justice, 38 COMPAR. L. REV. 343 (2003).

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PUBLICATIONS (Cont.):

Technology and Legal Education

The Course Source: The Casebook Evolved, 44 CAP. U. L. REV. 591 (2016).

Teaching for Tomorrow: Utilizing Technology to Implement the Reforms of MacCrate, Carnegie, and Best Practices, 92 NEB. L. REV. 46 (2013).

www.legaleducation.edu: Using Technology to Educate the Public, 50 J. LEGAL ED. 393 (2000).

www.lawschool.edu: Legal Education in the Digital Age, 2000 WIS. L. REV. 85 (2000).

Environmental Law and Administrative Law

Reconciling Riverside Bayview Homes, Sackett and County of Maui, 57 TEXAS TECH L. REV. 119 (2024).

Deregulation: Too Big For One Branch, But Maybe Not For Two, 53 SETON HALL L. REV. 839 (2023).

Killing WOTUS 2015: Why Three Rulemakings May Not Be Enough, 64 ST. LOUIS U. L.J. 373 (2020).

The Brand X Effect: Declining Chevron Deference for EPA and Increased Success for Environmental Groups in the 21st Century, 69 CASE W. RES. L. REV. 65 (2018).

Indeconstructible: The Triumph of the Environmental “Administrative State”, 86 U.CINN. L. REV. 653 (2018).

Advancing Auer in an Era of Retreat, 41 WM. & MARY ENVTL L. REV. 551 (2017).

Sue and Settle: Demonizing the Environmental Citizen Suit, 37 SEATTLE L. REV. 891 (2014).

The Changing Discourse of the Supreme Court, 12 U.N.H. L.REV. 29 (2014).

In Defense of the Short Cut, 60 KAN. L. REV. 495 (2012).

Disclosing the President’s Role in Rulemaking: A Critique of the Reform Proposals, 60 CATH. U. L. REV. 1 (2011).

From Climate Change and Hurricanes to Ecological Nuisances: Common Law Remedies for Public Law Failures?, 27 GA. STATE L. REV. 565 (2010).

The Roberts Court and the Environment, 37 B.C. ENVTL. AFF. L. REV. 317 (2010).

Competition: The Next Generation of Environmental Regulation?, 18 S.E. ENVTL.L.J. 1 (2009).

Is Religion the Environment’s Last Best Hope?: Targeting Change in Individual Behavior Through Personal Norm Activation, 24 J. ENVTL. L. & LITIG. 119 (2009).

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PUBLICATIONS (Cont.):

Ossification's Demise? An Empirical Analysis of EPA Rulemaking from 2001-2005, 38 ENVTL. L. 767 (2008), *reprinted in* Environmental Protection: Regulatory Issues (L. Lakshmi ed., Icfai Univ. Press 2009).

Bringing Deference Back (But for How Long?), 57 CATH.U. L REV. 1 (2007).

Good Guidance, Good Grief!, 72 MO. L. REV. 695 (2007), *reprinted in part in* Andrew F. Popper, Gwendolyn M. McKee, Anthony E. Varona, & Philip J. Harter, ADMINISTRATIVE LAW: A CONTEMPORARY APPROACH (2d ed. 2010).

The Rulemaking Response to Rapanos, in *The Supreme Court and the Clean Water Act: Five Essays* 20 VT. J. ENVT'L L. (2006).

Junking the Junk Science Law: Reforming the Information Quality Act, 58 ADMIN. L. REV. 963 (2006).

Ruminations on Dissemination: Limits on Administrative and Judicial Review Under the Information Quality Act, 55 CATH. U. L. REV. 101 (2005).

Terrorism, Security and Environmental Protection, 29 WM. & MARY ENVT'L L. REV. 107 (2004).

Federal Regulation of Isolated Wetlands After SWANCC, 31 ENVTL. L. REP. (ENVTL. L. INST.) 10669 (June, 2001).

Private Plaintiffs, Public Rights: Article II and Environmental Citizen Suits, 49 KAN. L. REV. 383 (2001).

NEPAs and SEPAs in the Quest for Environmental Justice, 30 LOY. L.A. L. REV. 565 (1997).

The Brownfields Action Agenda: A Model for Future Federal/State Cooperation in the Quest for Environmental Justice?, 37 SANTA CLARA L. REV. 85 (1996).

U.S. v. Lopez: A Misstep, but Hardly Epochal for Federal Environmental Regulation, 5 N.Y.U. ENVTL. L.J. 33 (1996).

Avoid, Minimize, Mitigate: The Continuing Constitutionality of Wetlands Mitigation after Dolan v. City of Tigard, 6 FORDHAM ENVTL.L.J.689 (1995).

Defining the Property Interest in Wetlands Taking Analysis After Lucas, 14 J.ENERGY, NAT. RESOURCES & ENVTL.L. 1 (1994).

Federal Regulation of Isolated Wetlands, 23 ENVTL. L. 1 (1993).

From Reaction to Proaction: The 1990 Pollution Prevention Act, 17 COLUM. J. ENVTL. L. 153 (1992).

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PUBLICATIONS (Cont.):

Recyclable Materials and RCRA's Definition of Solid Waste, 21 ENVTL. L. REP. (ENVTL. L. INST.) 10355 (July, 1991).

The Basel Convention: The Shape of Things to Come for U.S. Waste Exports?, 21 ENVTL. L. 299 (1991).

Beyond Philadelphia v. New Jersey, 95 DICK. L. REV. 131 (1990).

The Environmental Law Teachers' Clearinghouse - An Academic Web Portal, JURIST, Lessons from the Web (September 1999) (<http://jurist.law.pitt.edu/lessons.htm>)

Affirmative Action after Grutter and Gratz, 6 WASEDA PROC. OF COMPAR. L. 101 (2003).

Sifting Through the Sediment: The Supreme Court's Rapanos and Carabell Opinions, 2006 Suppl. to WETLANDS LAW AND POLICY (ABA SEER 2005) (Co-author with Kim D. Connolly & Mark Ryan)

Significant Flaws: Why the Rapanos Guidance Misinterprets the Law, Fails to Protect Waters, and Provides Little Certainty, 15 S.E. ENVTL. L. J. 431 (2007).

AMICUS BRIEF:

Rapanos v. United States, 2006 U.S. S.Ct. Briefs (Lexis) 79 (Jan. 13, 2006).

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CALI EXERCISES:

Wetlands Basics (1997), winner of the Donald Trautman Lesson Writing Competition.

Superfund Basics (1996).

Citizen Suits Under the Clean Water Act (1995).

NEPA Basics (1998).

ELECTRONIC TEACHING TOOLS:

Multi-School Virtual Environmental Law Guest Speaker/Discussion List Program:

Developed and administered a program that brings speakers to law schools in the U.S. and other countries via the Web to present lectures on environmental law and to participate on a discussion list with students at participating schools. (1997 through the present) (<http://www2.law.mercer.edu/elaw/speaker.htm>)

Environmental Law Teachers Clearinghouse:

Developed and administered a Web-based clearinghouse of teaching resources for environmental law faculty. (1999 - present) (<http://www.envirolawteachers.com>)

Wetlands Resources:

Developed and administered a Web-based clearinghouse of wetlands resources (2016 – 2025)

(<http://www.envirolawteachers.com/wetlands-law-a-course-source.html>)

Toxics in Your Community.

Authored a citizens' guide to accessing public information on hazardous substances in Georgia (1995).

PROFESSIONAL SERVICE:

CENTER FOR COMPUTER-ASSISTED LEGAL INSTRUCTION (CALI)

Member of the Board of Directors. December 1997 – present.

President: 2023- present; Vice President: 2020 – 2023; Treasurer: 2006 – 2008.

OCMULGEE NATIONAL PARK & PRESERVE INITIATIVE,

Member of the Board of Directors, June 2011 – present.

ROBINS AIR FORCE BASE, ENVIRONMENTAL ADVISORY BOARD / RESTORATION ADVISORY BOARD:

Advisory Board Member. 1996 - present.

GEORGIA CENTER FOR LAW IN THE PUBLIC INTEREST / GEORGIA LEGAL WATCH:

Member of the Board of Directors. December 1998 - 2004.

ABA, SECTION OF ENVIRONMENT, ENERGY, & RESOURCES, BOOK PUBLICATIONS COMMITTEE:

Member. 2006 – 2009.

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LAW SCHOOL SERVICE:

Faculty Advisor:

Mercer Law Review (1995-2002).
Mercer Environmental Law Society (1993-present).
Mercer Health Law Society (2024-present).
Mercer Computer and Technology Law Association (2000).

Committees:

Appointments Committee (2019 – 2022; Chair – 2019-2022).
Curriculum Committee (2002-2013; 2014-2019; 2023-2024).
Faculty Policy Committee (2012-2015; Chair 2013-2015).
Post-Tenure Advisory Committee (2024-2026).
Technology Committee (1995-2013; Chair – 1995-2002).
Classroom Renovation Committee (1998-2013; Chair - 1998-2010).
Administrative Committee (2014-2018; 2024 - 2025).
Faculty Editor, Mercer Lawyer Magazine (2014-2025).
Faculty Honor Court Justice (2024-2025).
Promotion/Tenure Committees (Chair, 2025-2026).
Academic Advising Working Group (2024-2026).
Distance Education Committee (2002-2014).
Adjunct Teaching Committee (2002-2012; 2022-2023).
Adjunct Faculty Teaching Award Committee (2009-2012).
ABA Site Visit Committee (2019 – 2021).
Task Force on Fall Planning for COVID-19 (2020).
Ad Hoc Committee on the COVID-19 Semester Academic Policies (2020).
Special Ad Hoc Committee on Assessment (2015 – 2019).
Special Ad Hoc Committee on Diversity, Environment, Collegiality and Communication (Chair – 2014-2015).
SACS/Assessment Committee (2002-2012).
Library Committee (2012-2013).
Dean Search Committee (2002-2003).
I.T. Director Search Committee (2012-2013).
U.S. News Ad Hoc Committee (2002-2003; 2009).
Library Director Search Committee (Chair - 2000).
Student Affairs Committee (1994-2000).
Appointments Committee for Legal Writing Professor (1995).
Student Honor Committee (1993-94).
Secretary for Faculty Meetings (1994-95).

Mercer University Environmental Committee (2007 – 2013).
Mercer University Environmental Conference Planning Committee (2009).
Mercer University Outstanding Professor Selection Committee (2009 – 2012).
Mercer University Fulbright Screening Committee (2011-present).
Mercer University Graduate Council (2011-2024).
Mercer University Distance Learning Committee (2012-2019).
Mercer University Planning Council (2002-2003).
Mercer University Environmental Council (1994-2001; Chair, Grants Committee; Chair, Publicity & Info. Committee, 1994-2001).
Mercer University Technology Committee (1995-1997; 2009).
Mercer University Technology and Teaching Task Force (1996-97).

BAR ADMISSIONS: **State Courts** Pennsylvania, New Jersey
 U.S. Courts U.S. Supreme Court, D.C. Circuit, 4th Circuit