

Anthony B. Schutz

215 McCollum Hall
PO Box 830902
Lincoln, NE 68583-0902
anthony@unl.edu

SSRN: <http://ssrn.com/author=611492>

(m) 402-466-1380

(o) 402-472-1248

Law School Teaching Experience

Associate Professor, September 2012 - present

Assistant Professor, May 2006 - September 2012

University of Nebraska College of Law, Lincoln, NE

Rural Law Opportunities Program, Coordinator, 2017-present

Courses:

Contracts, Agricultural Law, Agricultural Environmental Law, Environmental and Water Resources Management Seminar, Land Use, State and Local Government, Animal Production Law

Faculty Advisor:

Concentrated Course of Study in Agricultural Law, Environmental and Agricultural Law Society, Moot Court

Visiting Lecturer, 2005-2006

Cornell University, Ithaca, NY

Lawyering Program

Adjunct Instructor, 2004-2005

University of Nebraska College of Law, Lincoln, NE

Legal Writing

Publications

Articles

The Continuing Evolution of Nebraska Natural Resources Districts: Lessons From and Insights For Local Government Law (in progress)

Constitutionalizing the Right to Farm: Principles and Practical Difficulties (in progress)

Landowner Liability on Nebraska's Rural Lands (in progress)

Structuring Grassland Governance: Examples from Namibia and Possibilities in the United States (in progress)

Defining Sustainability in Nebraska's Republican River Basin: The LB 1057 Task Force, [3 Texas A&M L. Rev. 771](#) (2016)

State Constitutional Restrictions on Special Legislation as Structural Restraints, [40 J. Legis.](#) [39](#) (2014)

Toward a More Multi-Functional Rural Landscape: Community Approaches to Rural Land Stewardship, [22 Fordham Envtl. L. Rev.](#) [633](#) (2011)

Symposium Issue: Analyzing Regional Foodsheds and Local Food: The Role of Environmental and Land Use Law and Policy (invited)

Grassland Governance and Common-Interest Communities, [2 Sustainability](#) [2320-48](#) (2010)
2010 Professional Scholarship Award, American Agricultural Law Association (AALA)
Sustainability Download Statistics: 3,575 abstract views, 827 downloads

Nebraska's Corporate-Farming Law and Discriminatory Effects Under the Dormant Commerce Clause, [88 Neb. L. Rev.](#) [50](#) (2009)

Corporate Farming Measures in a Post-Jones World, [14 Drake J. Ag. L.](#) [97](#) (2009)
Honorable Mention, 2009 Professional Scholarship Award, AALA

Note, Public School Restrictions on "Offensive" Student Speech in Boroff v. Van Wert City Board of Education, 220 F.3d 465 (6th Cir. 2000): *Has Fraser's Exception Swallowed Tinker's Rule?*, [81 Neb. L. Rev.](#) [443](#) (2003)

Books

Nebraska Water Law & Administration (in progress)

Robert Miewald, Peter Longo & Anthony B. Schutz, *The Nebraska State Constitution: A Reference Guide* (2d ed.) (2009)

On-line supplement available at <http://digitalcommons.unl.edu/nebraskaconstitution/>

Legislative Reports and Testimony

[Testimony and multimedia work on LB 227 \(2019\)](#), a bill to expand Nebraska's Right to Farm Act (multiple links to information included in linked document)

[Testimony on LB 1123 \(2018\)](#), a bill to facilitate augmentation projects that pump groundwater.

[Testimony on LB 718 \(2018\)](#), a bill to protect some speech on Nebraska's university campuses.

Anthony B. Schutz, J. David Aiken, [Research Area 4](#): "Compile the definitions of engaging in farming and ranching from USDA program qualification, regulatory definitions, and case law." (December 2007) (report prepared at request of Agriculture Committee of Nebraska Legislature in conjunction with LB 1174 (2008))

Book Chapters

[Land Use Law and Livestock Production](#), in *The History of Nebraska Law* (2008)

Shorter Works

Nebraska Water Law Developments, RMMLF Newsletter (June 2019 draft)

Article 7: Documents of Title--2017 Developments, 73 Bus. Lawyer 1205 (2018)

[Agricultural Environmental Law Developments 2017-18](#)

AAALA Annual Symposium, October 2018

Nebraska Water Law Developments, RMMLF Newsletter (Oct. 2017)

Nebraska Water Law Developments, RMMLF Newsletter (June 2018)

Takings Litigation Ensues, [Nebraska Cattlemen Magazine](#) 68 (Feb. 2018)

Nebraska Water Law Developments, RMMLF Newsletter (Feb. 2018)

Agricultural Environmental Law Developments 2016-17

AAALA Annual Symposium, October 2017

Nebraska Water Law Developments, RMMLF Newsletter (Oct. 2017)

Nebraska Water Law Developments, RMMLF Newsletter (June 2017)

Landowner Liability on Nebraska's Rural Lands, [published with Center for Great Plains Research](#) (2017)

Article 7: Documents of Title--2016 Developments, 72 Bus. Lawyer 1129 (2017)

Nebraska Water Law Developments, RMMLF Newsletter (Feb. 2017)
(coauthored with Sandra Zellmer)

Agricultural Environmental Law Developments 2016-16

AAALA Annual Symposium, October 2016

"Right to Farm" Considerations, [Nebraska Cattlemen Magazine](#) 62 (Nov. 2016)

["Right to Farm" \(LR378CA\): More Questions than Answers](#) (Mar. 2016) (self-published white paper)

Nebraska Water Law Developments, RMMLF Newsletter (Oct. 2016)
(coauthored with Sandra Zellmer)

Nebraska Water Law Developments, RMMLF Newsletter (June 2016)
(coauthored with Sandra Zellmer)

Article 7: Documents of Title--2015 Developments, 71 Bus. Lawyer 1307 (2016)

Nebraska Water Law Developments, RMMLF Newsletter (Feb. 2016)
(coauthored with Sandra Zellmer)

Agricultural Environmental Law Developments 2014-15
AALA Annual Symposium, October 2015

Nebraska Water Law Developments, RMMLF Newsletter (Oct. 2015)
(coauthored with Sandra Zellmer)

Nebraska Water Law Developments, RMMLF Newsletter (June 2015)
(coauthored with Sandra Zellmer)

Article 7: Documents of Title--2014 Developments, 70 Bus. Lawyer 1229 (2015)

Nebraska Water Law Developments, RMMLF Newsletter (Feb. 2015)
(coauthored with Sandra Zellmer)

Agricultural Environmental Law Developments 2013-14
[CLE webinar](#), AALA Annual Symposium, October 2014 (co-authored)

Nebraska Water Law Developments, RMMLF Newsletter (Oct. 2014)
(coauthored with Sandra Zellmer)

Nebraska Water Law Developments, RMMLF Newsletter (June 2014)
(coauthored with Sandra Zellmer)

Article 7: Documents of Title--2013 Developments, 69 Bus. Lawyer 1211 (2014)

Nebraska Water Law Developments, RMMLF Newsletter (Feb. 2014)
(coauthored with Sandra Zellmer)

Agricultural Environmental Law Developments 2013
CLE materials, AALA Annual Symposium, October 2013 (co-authored)

Nebraska Water Law Developments, RMMLF Newsletter (Sept. 2013)
(coauthored with Sandra Zellmer)

Article 7: Documents of Title--2012 Developments, 68 Bus. Lawyer 1239 (2013)

Nebraska Water Law Developments, RMMLF Newsletter (June 2013)
(coauthored with Sandra Zellmer)

Nebraska Water Law Developments, RMMLF Newsletter (Feb. 2013)
(coauthored with Sandra Zellmer)

Nebraska Water Law Developments, RMMLF Newsletter (May 2012)
(coauthored with Sandra Zellmer)

Article 7: Documents of Title--2011 Developments, 67 Bus. Lawyer 1293 (2012)

Nebraska Water Law Developments, RMMLF Newsletter (Feb. 2012)
(coauthored with Sandra Zellmer)

Nebraska Water Law Developments, RMMLF Newsletter (Oct. 2011)
(coauthored with Sandra Zellmer)

Agricultural Environmental Law Developments 2011
CLE materials, AALA Annual Symposium, October 2011 (co-authored)

Article 7: Documents of Title--2010 Developments, [66 Bus. Lawyer 1147](#) (2011)

Agricultural Environmental Law Developments 2010
CLE materials, AALA Annual Symposium, October 2010 (co-authored)

Article 7: Documents of Title--2009 Developments, [65 Bus. Lawyer 1279](#) (2010)

Agricultural Environmental Law Developments 2009
CLE materials, AALA Annual Symposium, September 2009 (co-authored)

Article 7: Documents of Title--2008 Developments, [64 Bus. Lawyer 1229](#) (2009)

Agricultural Environmental Law Developments 2008
CLE materials, AALA Annual Symposium, October 2008 (co-authored)

Article 7: Documents of Title—2007 Developments, [63 Bus. Lawyer 1339](#) (2008)

Settlement Funds in Conversion Actions and Proceeds of Converted Collateral Under the U.C.C., [25 Agric. Law Update, Mar. 2008](#), at 4-6.

Nebraska Corporate-Farming Ban Unconstitutional: What Does "the farm" Mean?, [24 Agric. Law Update, Feb. 2007](#), at 4

Agricultural Law, <http://aglaw.blogspot.com>
Blog with commentary about agricultural law issues.

Various short news items for the *Agricultural Law Update* (a publication of the AALA)

Selected Presentations and Speaking Engagements

Environmental and Natural Resources Law Developments

AAALA Annual Symposium

St. Paul, MN, October 2008
Williamsburg, VA, September 2009
Omaha, NE, October 2010
Austin, TX, October 2011
Madison, WI, October 2013
Albuquerque, NM, October 2014
Charleston, SC, October 2015
Oklahoma City, OK, October 2016
Louisville, KY, October 2017

Water Law 101

University of Nebraska-Lincoln, Water Center

5th Annual Water Law, Policy and Science Conference, Lincoln, April 2008
6th Annual Water Law, Policy and Science Conference, Lincoln, April 2009
Water Law CLE, October 2011
Water Law CLE, October 2013
Water Law Speaker, November 2015
CLE presentation, Ogallala, NE, June 2016
Water Law CLE, October 2016
Water Law CLE, October 2017
Ag and Water Law CLE, March 2019

The Nebraska Constitution

[Center for Great Plains Studies](#) - March 2016

University of Nebraska at Kearney Sesquicentennial Celebration - March 2017
Judicial Education Symposium, Nebraska Law - Feb. 2018

Landowner Liability in Nebraska for Agritourism and Ecotourism Operations

Chadron, NE, Dec. 2016
Red Cloud, NE, July 2017
Kearney, NE, April 2018

Perspectives on the Des Moines Water Works Litigation - NSBA Environmental Law section -
October 2016

Lessons in Sustainability from the LB 1057 Task Force

Texas A&M College of Law Symposium - Agriculture in the Era of Sustainability
October 2015

Agricultural Law Update

Kansas Farm Bureau CLE, Lawrence, KS, November 2013

Nebraska Water Law: Update and Issues

University of Nebraska-Lincoln, Water Center Annual Conference, Lincoln, October
2011

Water Law CLE, October 2016

Water Law CLE, October 2017

Strategic Discussions for Nebraska

Interview with College of Journalism and Mass Communications' Strategic Discussions Magazine, August 2011 (video available at <http://youtu.be/bi0j3KNZC2M>)

Special Legislation Provisions as Structural Restraints

Big Ten UnTenured Law Conference, Indiana University Maurer School of Law, August 2011

Toward a More Multi-Functional Rural Landscape: Implications for the Local-Food Movement

Fordham University School of Law, Symposium on Analyzing Regional Foodsheds and Local Food: The Role of Environmental and Land Use Law and Policy, March 2011

Policy Research at UNL: A Legal Academic's Role

University of Nebraska-Lincoln, Food, Water, and Energy Resources Policy Retreat, December 2010

Sustainable Cities Forum

Nebraska League of Conservation Voters, Panel Discussion with Omaha Mayor Jim Suttle, Sen. Heath Mello, Milo Mumgaard, and Richard B. Hawks, November 2010

Collaborating Across Fences: Law's Role in Managing Wildlife Resources in Ranch Country

Grasslands Foundation, Grassland Conservation & Sustainable Communities Lecture, Lincoln, October 2010 (video available at <http://www.grasslandfoundation.org/work/events.html>)

Collaborating Across Fences

University of Oregon School of Law, Journal of Environmental Law and Litigation, Agricultural Law Symposium, Eugene, OR, October 2010

The Norris Institute & Mid-Plains Center for Enterprise, New Era Rural Energy Symposium, McCook, September 2010

Grassland Governance and Common-Interest Communities

Big Ten UnTenured Law Conference, Indiana University Maurer School of Law, August 2010

State and Local Regulation of Livestock Production Facilities

Seminar in conjunction with Cattlemen's Classic, Kearney, June 2010

Wind Energy Development - Nuisance Liability and County Zoning

Nebraska CLE, Kearney, November 2009
CLE International, Lincoln, May 2010

Agriculture and a Law Degree: Why Law School is an Option

Recruiting event at UNL College of Law, sponsored by Neal and Leone Harlan Agricultural Law Excellence Fund, April 2010

Lawyers and Civic Life

Recruiting talk as part of New York Times speaker series at the University of Nebraska at Kearney, February 2010

Open Access Agricultural Law Materials

Panel discussion at AALS meeting of the section on Agricultural Law, New Orleans, January 2010

Legal Aspects of an Emerging Water Market in Nebraska

CLE International, Nebraska Water Law, Lincoln, June 2009

UNL Water Center Annual Conference, Lincoln, September 2010

Community Association Law in Ranch Country

Law and Society Association, Annual Meeting, Denver, CO, May 2009

Corporate-Farming Measures in a Post-Jones World

AALA Annual Symposium, St. Paul, MN, October 2008

Corporate-Farming Measures and the Dormant Commerce Clause

SEALS Annual Conference, West Palm Beach, Fla., July 2008

Nebraska Water Issues: The District Court's Role

2008 District Judges Meeting, Lincoln, June 2008

Nebraska Water Law: Evolution

Nebraska Water Users Annual Meeting, Lexington, January 2008

The Dormant Commerce Clause and State Initiatives to Promote U.S. Agriculture

Drake Agricultural Law Center Conference, "The Role of Law in Promoting Sustainable Farming and Rural Development: An International Perspective", Des Moines, October 2007

Fences and Water

Nebraska Humanities Council, "Between Fences" Exhibit from the Smithsonian Institution and Museum on Main Street. Discussed water law in Nebraska in terms of the "fences" we have used to deal with allocation and administration of that resource, as well as the group separations that are currently developing between agricultural enterprises and the urban electorate in water regulation. Delivered at various engagements at six sites across Nebraska (Lincoln, Broken Bow, Lexington, Wisner, Aurora, Tilden), March 2007 through June 2008

The Broad History of Nuisance Law, Zoning, and the Right-To-Farm Statutes in Nebraska

University of Nebraska-Lincoln, Animal Breeding and Genetics Seminar, Lincoln, February 2007

Professional Activities & University Service

American Agricultural Law Association

2010 Symposium Planning Committee
Editorial Board, Agricultural Law Update, 2008-2012
Board of Directors, 2011-14
Chair, Awards Committee, 2017

Association of American Law Schools

Chair, Section on Agricultural Law, 2007 & 2008
Executive Committee, Section on Agricultural Law, 2009-2011
Member, Sections on Env. Law, Nat. Resources, Property, and State and Local Gov't

Facilitator, Republican River Water Sustainability Task Force

In conjunction with the University of Nebraska Public Policy Center and the National Drought Mitigation Center, July 2010-May 2012

American Bar Association

Chair, Article 7 Subcommittee (within Business Law Section, UCC Committee)

Agricultural Advisory Committee

Congressman Lee Terry (R- Neb.) 2007-2014

University of Nebraska, College of Law Service

Building Committee 2011-12
Lectureship Committee 2010-2011
Library Committee 2010-2011
Dean Search Committee 2009-2010
Recruiting Activities

University of Nebraska-Lincoln, Service

Water Center - CLE Planning
Food, Water, and Energy Resources Retreat & Symposium 2010-2011
Water for Food Institute
Institute for the Rural Future
Instructional Technology Advisory Committee 2009-2010
Campus Police Committee 2007-2010

LB 1174 (2008)

Provided written and oral testimony, feedback on bill language and proposals for bill language to the drafters of LB 1174, including Sen. Cap Dierks, Rick Leonard (LA for Sen. Phil Erdman), the Center for Rural Affairs, and Chuck Hassebrook, 2007-2008 Legislative Session

State Scholar, Nebraska Humanities Council

Smithsonian Institution, Nebraska Humanities Council's "Between Fences" exhibit, 2007-08

Hearing Examiner, Nebraska Department of Roads, 2007-2008

Education

University of Nebraska College of Law

J.D. with Highest Distinction, 2003

Cumulative GPA: 8.6/9.0

Class Rank: 1/109

Honors and Awards:

Woods & Aitken/Law Alumni Council Outstanding Student Award, 2003

Nebraska Law Review 2001-03, Editor-in-Chief, 2002

Outstanding Scholastic Achievement Awards, 2000-01, 2001-02, 2002-03

West Group Outstanding Scholastic Achievement Awards, 2001-02, 2002-03

American Bankruptcy Institute Medal of Excellence in Bankruptcy, 2003

Order of the Coif

CALI Excellence for the Future Awards (high score in class):

Contracts, Legal Process, Property, Torts, Civil Procedure, Criminal Law, Corporations, Constitutional Law, Individual Income Tax, Agricultural Law, Legal Profession, Real Property Security, Insurance Law, Payment Systems, Pretrial Litigation, Federalism & State Sovereignty Seminar, Negotiations, Bankruptcy, Wills & Trusts, Employment Law, Investment Companies & Advisers

University of Nebraska - Kearney

B.S. Criminal Justice, Summa Cum Laude, 1998

Cumulative GPA: 3.97 / 4.00

Outstanding Graduate of the Department of Criminal Justice, 1998

Admitted to Practice

Nebraska Supreme Court

U.S. District Court for the District of Nebraska

U.S. Court of Appeals for the Eighth Circuit

Professional Organization Memberships

Association of American Law Schools

American Agricultural Law Association

American Bar Association

Nebraska Bar Association

Lincoln Bar Association

Center for Great Plains Studies, Fellow

Non-Law School Employment

United States Court of Appeals for the Eighth Circuit, Lincoln, NE
Judicial Clerk, Hon. C. Arlen Beam, 2003-2005

Cline, Williams, Wright, Johnson & Oldfather, Lincoln, NE
Summer Associate, 2001-2003

Buffalo County Detention Center, Kearney, NE
Corrections Officer, 1998-2000