

## **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**

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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**

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### **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

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### Environmental and Natural Resources Law Developments

#### ALA 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**

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### 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

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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

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Nebraska Supreme Court

U.S. District Court for the District of Nebraska

U.S. Court of Appeals for the Eighth Circuit

## Professional Organization Memberships

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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**

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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