Robert V. Percival:

Environmental Crusader

He has taught in the heart of Africa and in Mongolia and Slovakia. He has circled the globe and has visited the Galapagos Islands three times, most recently last year.

Brad Dwin

"My love of travel helped whet my love of the environment," he explains. What started after his undergraduate education has become his life's work. A professor of law, a Robert Stanton scholar and director of the Environmental Law Program at the School of Law, Robert V. Percival, JD, has helped mold future environmental lawyers at the University of Maryland and around the world since 1987.

His passion for environmental law started at Macalester College in St. Paul, Minn., where he worked on a study for the Minnesota Public Interest Research Group on conflicts of interest in the Minnesota Pollution Control Board. His love for the natural world was solidified almost immediately after college. "I graduated from college in December 1972 and then spent six months exploring the globe by boat, including a visit to the Galapagos Islands that opened my eyes to the wonders of nature as never before," recalls Percival.

He went to law school knowing that he wanted to pursue a career in public interest law. However, since there were no environmental law courses at the time, he focused instead on employment discrimination law and the Equal Rights Amendment. After various clerkships, including one for U.S. Supreme Court Justice Byron White, and a brief period at the U.S. Department of Education, Percival got the opportunity to follow his passion for the environment. In 1981, he began a career at the Environmental Defense Fund (EDF) in Washington, D.C., where he served as chairman of the Toxic Chemical Regulation Program. At EDF, he was responsible for policy development, advocacy and litigation on a broad variety of environmental topics. He chose to work at EDF based on their tireless efforts to create alternatives to environmentally destructive projects.

After just 11 days on the job at EDF, Percival found himself in the courtroom...
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cross-examining the top executive officers of five major electric utilities. He states, “I had never done cross-examination before and had not had any clinical experiences in law school. Some people at the EDF thought that because I had been at the top of my class and a Supreme Court clerk, I could do anything. But I had to learn the hard way—by doing.” After six years at EDF, Percival realized that he could have more of an impact on the environment by helping to educate the next generation of environmental lawyers. The University of Maryland created the opportunity, and in 1987, he jumped at the chance to become part of what is now one of the top environmental law programs in the country.

Since his days at EDF, Percival has seen environmental law change dramatically. He attests that the most pronounced difference since the 1980s has been the globalization of the issues. In the past, scientists were the only ones attending international conferences. Now environmental lawyers spend a large portion of their time spanning the globe to create new ways to deal with worldwide environmental issues. “We’ve realized that for some issues like climate change and global warming, our backyard has become the entire world,” says Percival. He believes that global warming and climate change will be among the major issues facing future generations of environmental lawyers.

While lecturing around the world, Percival has seen firsthand how other countries have dealt with various environmental issues. In 1991, he was one of the first U.S. law professors allowed to lecture in the Soviet Union. While there, he discovered that environmental problems were a major contributor to the grassroots movements that eventually led to the fall of communism. He has seen similar environmental grassroots movements in his travels to Uganda, Mongolia and Slovakia. “Talking to environmental lawyers from the far corners of the world makes one appreciate just how global the movement has become,” Percival confirms. In October, Percival traveled to Jordan to attend the World Conservation Congress as a member of the IUCN’s Commission on Environmental Law. “The Sudan now has its own specialized environmental court. Environmental law is now a required subject in law schools in East Asia.” He also is scheduled to take a trip to Iran in May to help train environmental lawyers there.

Percival has authored dozens of works on environmental issues as well as an environmental law casebook, Environmental Regulation: Law, Science and Policy, which has become the leading book in the field. “I started the project out of necessity because I did not think any of the existing casebooks captured the reality of environmental practice.” The environmental law field is developing so quickly that three supplements and two more new editions of the casebook have been released since 1992.

Last fall Percival’s travels took him to Cambridge Mass., where he served as a visiting professor at Harvard Law School. At Harvard, he taught environmental law and a seminar on transboundary pollution. He also conducted research on the papers of Justice Oliver Wendell Holmes Jr., who wrote some of the most important environmental decisions of the Supreme Court in the early 20th century.

Now on sabbatical, Percival continues his work on a history of interstate nuisance disputes in the Supreme Court. He also is researching the history of presidential involvement in environmental policy. “Battles between the president, Congress, and the courts over control of environmental policy date back to the days of President Theodore Roosevelt,” Percival explains. “They raise some of the most fundamental questions about the distribution of power in our constitutional system, questions that are likely to continue to arise with frequency.”

His first trip to the Galapagos Islands in the 1970s has evolved into a lifelong mission for Percival. He sums up his goal as an educator by recounting: “Last year I was able to return to the Galapagos Islands, my third visit there. I had returned once before with my wife, but this was our first opportunity to introduce our children to them. It was such a joy to see my children marvel in the diversity and complexity of nature in that astounding venue. I kept wondering whether they will be able to share the same experience with their children some day. That may depend on how well we train the next generation of environmental lawyers.”