

*About the Environmental Law
and Policy Annual Review.*

The Environmental Law and Policy Annual Review (ELPAR) is a joint publication of the Environmental Law Institute and Vanderbilt University Law School. The objective of ELPAR is to make more accessible to policy-makers and practitioners the best environmental law and policy ideas from the legal literature each year by publishing abbreviated versions of selected academic articles. The articles are selected from a pool of hundreds of articles through a process that includes Vanderbilt law student review and input from ELI senior staff and an advisory board composed of environmental leaders from the academy and the public and private sectors.



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**THE ENVIRONMENTAL LAW
AND POLICY ANNUAL REVIEW**
***Enabling
Investment
in Environmental
Sustainability***

March 30, 2011
12:00 – 1:00 p.m.
Bennett Miller Room
Vanderbilt University
Law School

Today's Panel Discussion:

Professor Heather Hughes' article, "Enabling Investment in Environmental Sustainability," was selected for inclusion in this year's Environmental Law and Policy Annual Review (ELPAR). Originally published in the Indiana Law Journal, the article will be reprinted in a condensed version in ELPAR this summer. According to Professor Hughes: "An extensive conversation about creating incentives for commercial actors to take more responsibility for environmental harm is underway. Very few participants, however, identify commercial finance law as a potential site for developing these types of incentives. This Article proposes an 'environmental practices money security interest' (EPMSI) that lawmakers could add to Uniform Commercial Code (UCC) Article 9. The EPMSI would grant priority over earlier investors to financiers whose extensions of credit enable debtors to invest in improving environmental impact."



Agenda:

12:00-12:10: **Welcome and Background on the Environmental Law and Policy Annual Review**

◆ *Michael P. Vandenberg*, Tarkington Professor of Law, Vanderbilt University

◆ *Linda K. Breggin*, Senior Attorney, Environmental Law Institute

12:10-12:15: **Panel Introductions**

◆ *Ping An*, Article Editor, Environmental Law and Policy Annual Review

12:15-12:45: **Presentation of and commentary on *Enabling Investment in Environmental Sustainability***

Author

◆ *Heather Hughes*, Associate Professor of Law, American University Law School

Commenters

◆ *Andrew Kaufman*, Professor of the Practice of Law, Vanderbilt University Law School and Senior Partner, Kirkland & Ellis LLP

◆ *Andy Mims*, Vice President of Sustainability, Gaylord Entertainment

12:45-12:55: **Panel Discussion and Audience Questions**

12:55-1:00: **Closing Remarks**

◆ *Sarah Payne-Jarboe*, Managing Editor, Environmental Law and Policy Annual Review

**Reception to follow in the North Lobby*

Today's Panelists:

Heather Hughes

Heather Hughes teaches Secured Transactions, first-year Property, and a seminar on debt finance law at American University, Washington College of Law. She is a graduate of the University of Chicago and of Harvard Law School. Prior to teaching, she practiced in the business department at Morrison & Foerster, LLP in San Francisco, and the commercial transactions group at a small, private firm in Denver. Her recent scholarship explores the intersection of commercial finance law and environmental harm. Her work questions the scope of private law rules governing commercial finance and how these rules relate to collective, environmental problems.

Andrew Kaufman

Andrew Kaufman is a nationally recognized expert in the areas of commercial law and secured transactions, financing, and legal opinion practice. As a senior partner in the Chicago office of Kirkland & Ellis, his practice has focused principally in the areas of leveraged buy-out and merger and acquisition financing, syndicated loan transactions, workouts, restructurings and reorganizations, and general corporate practice. In addition to teaching doctrinal courses in the business law curriculum, Professor Kaufman's work at Vanderbilt explores methodologies for developing transactional practice skills in young lawyers, a topic in which he has long been interested. Professor Kaufman is a frequent speaker at seminars and continuing legal education programs. He serves on the board of directors of the Yale Alumni Fund and on Vanderbilt Law School's Board of Advisors.

Andy Mims

Andy Mims joined Gaylord in 2010, as Vice President of Sustainability, to create the office of sustainability and to lead the company's commitment to reducing its overall environmental footprint. He combines a longstanding passion for the outdoors and interest in corporate responsibility with over ten years of experience in private equity and investment banking. Prior to joining Gaylord, Andy worked at ABS Ventures, a mid-stage venture capital firm in Boston, and in the Mergers and Acquisitions Department at Deutsche Bank in New York. Andy earned his bachelor's degree from Princeton University and his MBA from Dartmouth College. Andy and his wife live