

PETER N. DAVIS, ESQ., LL.B., S.J.D.

Isidor Loeb Professor Emeritus of Law
School of Law, University of Missouri-Columbia
Columbia MO 65211
(573) 882-2624
Fax: (573) 882-4984
E-mail: davispn@missouri.edu

Peter N. Davis is Isidor Loeb Professor Emeritus of Law at the School of Law, University of Missouri-Columbia. He joined the law faculty in September 1970 and retired in January 2003. He taught in the areas of environmental law, water resources law, mining and oil & gas law, transportation & railroad law, estates & trusts law, intellectual property law (patents, copyrights & trademarks), and land use controls law (planning & zoning), and continues to teach part-time in those areas. His research focuses on water use and water pollution law, and on pipeline and railroad law.

College and Law School: Professor Davis received a B.A. in physics from Haverford College (Haverford PA) in 1959, an LL.B. in 1963 and an S.J.D. in 1972 from the Law School, University of Wisconsin-Madison. There, he was Managing Editor of the WISCONSIN LAW REVIEW and was elected to the Order of the Coif. He then received a Fulbright Scholarship to study at Australian National University, Canberra. His S.J.D. dissertation at Wisconsin is entitled *Australian Irrigation Law and Administration: Development and Analysis* (1974), abstracted in 35 DISSERTATIONS ABSTRACTS INT'L 1680-A (Sept. 1974).

Bar Admission and Professional Experience: He is a member of the Bars of Missouri (1985), District of Columbia (1966), Wisconsin (1963), U.S. Supreme Court (1966), and U.S. Patent & Trademark Office (1966). He came to MU after 1 year's practice with Ely, Duncan & Bennett (Washington DC) and 4 year's work as a Research Attorney with the U.S. Department of Agriculture in Madison, Wisconsin. While in Madison, he taught as an adjunct lecturer of the University of Wisconsin Law School.

Foreign Teaching: He taught at the Faculty of Law, Auckland University, in Auckland, New Zealand, for 6 months in 1982, and lectured on American environmental law for 2 weeks in summer 1990 at the Environmental Law Research Institute at Wuhan University at Wuhan, and at the North-West Institute of Political Science and Law at Xi'an, in P.R. China. In summer 1992, he gave a paper at an engineering conference in Australia and lectured at Bond University, in Queensland, Australia, and at Auckland University in New Zealand. In January-May 1996, he taught in the "Semester Study Abroad Program" of the London Law Consortium in England, sponsored by 8 law schools, including the University of Missouri-Columbia.

Research Grants: He has done sponsored research under 6 research grants: (1) right-of-way and water rights acquisition issues and other legal issues in constructing and operating coal log pipelines (1991-96) (with Dr. Henry Liu, MU Dep't of Civil Eng'ring); (2) groundwater pollution case analyses (1983); (3) regulation of flood plain use on the upper Mississippi River (1979-81); (4) regulation of flood plain use on the Missouri River (1978-80); (5) instream flow protection in Missouri (1980); and (6) water quality management legal issues in Wisconsin (1969).

Articles and Publications

Professor Davis has published 18 law review articles, 6 book chapters, 3 major research project reports, and 13 research papers, and 2 monographs. (The more important are listed below.)

- 2009: Image 08: "Railroad Regulation and Safety Standards", in *North American Railroad History in a Nutshell* [railroad images with explanatory text], RAILROAD HERITAGE no. 21 (Center for Railroad Photography 2009), accessible also at www.railroadheritage.org.
- 2008: 3 WATERS AND WATER RIGHTS, ch. 57, with massive state-by-state case list (243 pp.) [common law theories applied in water pollution cases], ch. 59 (42 pp.) [drainage], ch. 60 (40 pp.) [flooding], and ch. 61 (88 pp.) [wetlands preservation] (A. Kelley 3d ed. 2008), plus annual supplements to date.
- 2008: *Missouri* [state water law summary], in 4 WATERS AND WATER RIGHTS (25 pp.) (A. Kelley 3d ed. 2008), plus annual supplements to date.
- 1998: 5 WATERS AND WATER RIGHTS, ch. 57, with massive state-by-state case list (at 513-726) [common law theories applied in water pollution cases], ch. 59 (at 733-68) [drainage], ch. 60 (at 769-808) [flooding], and ch. 61 (at 809-72) [wetlands preservation] (R. Beck rev. 2d ed. 1998), plus annual supplements to 2007..
- 1998: *A Tribute to Professor Richard B. Tyler*, 63 MISSOURI LAW REVIEW 643-45 (1998).
- 1996: *Federal Restraints on State and Local Wetlands, Shorelands and Floodplain Regulation*, WATER RESOURCES UPDATE, No. 105, at 23-32 (Autumn 1996).
- 1996: *Supreme Court Takings Doctrine*, WATER RESOURCES UPDATE, No. 105, at 33-42 (Autumn 1996).
- 1996: *Recreational Use of Watercourses*, 4 MISSOURI ENVIRONMENTAL LAW & POLICY REVIEW 71-87 (1996).
- 1996: *Coal Pipelines Crossing Railroads: Legal Issues*, in Proceedings of the 1996 Pipeline Crossings Specialty Conference 254-64 (Am. Soc'y Civil Eng'rs, Burlington, Vermont, June 16-19, 1996).
- 1995: *Law of Repelling Floods in Missouri*, 2 MISSOURI ENVIRONMENTAL LAW & POLICY REVIEW 127-33 (1995).
- 1994: *Missouri* [state water law summary], in 6 WATERS AND WATER RIGHTS 457-72 (R. Beck rev. 2d ed. 1994), plus annual supplements to 2007.
- 1993: *Law and Fact Patterns in Common Law Water Pollution Cases*, 1 MISSOURI ENVIRONMENTAL LAW & POLICY REVIEW 3-16 (Summer 1993).
- 1993: *Legal Aspects of Coal Pipelines in the United States -- Preliminary Findings*, in Proceedings of 18th International Technical Conference on Coal Utilization & Fuel Systems 735-46 (Coal & Slurry Tech. Ass'n, Clearwater FL, Apr. 26-29, 1993).
- 1993: *Legal Definition of "Wetland" under Clean Water Act § 404*, Proceedings of 3rd Annual Water Quality Conference 15-25 (Missouri Agric. Exp. Sta., Univ. of Missouri-Columbia, Feb. 4-5, 1993).
- 1992: *Legal Aspects of Future Coal Pipelines in the United States*, in 1 Proceedings of 4th International Conference on Bulk Materials and Freight Pipelines 1992, at 221-25 (Institution of Eng'rs, Australia, July 6-8, 1992).
- 1991: *Missouri* [state water law summary], in 6 WATERS & WATER RIGHTS 237-49 (R. Beck 2d ed. 1991) [summary of Missouri water law], plus annual supplements to 1993.
- 1990: *Federal and State Water Quality Regulation and Law in Missouri*, in 55 MISSOURI LAW REVIEW 411-508 (1990).

1988. *Protecting Waste Assimilation Streamflows by the Law of Water Allocation, Nuisance, and Public Trust, and by Environmental Statutes*, 28 NATURAL RESOURCES JOURNAL 357-91 (1988).
- 1988: *Missouri's Clean Water Law*, in Environmental Law in Missouri (UMC CLE Oct. 1988). [64 pp.]
- 1988: *Introduction to Oil & Gas Law*, in Oil and Gas Law (UMC CLE Mar. 1988). [33 pp.]
- 1985: *Statutory Changes to Stormwater Drainage Law*, in Proceedings of 1985 Stormwater Conference 54-63 (Mo. Dep't of Natural Resources 1985).
- 1983: *The Riparian Right of Streamflow Protection in the Eastern States*, 36 ARKANSAS LAW REVIEW 47-80 (1983).
- 1982: *Eastern Water Diversion Permit Statutes: Precedents for Missouri?*, 47 MISSOURI LAW REVIEW 429-70 (1982).
- 1981: *Riparians Rights*, in Univ. of Colo. Sch. of Law, Water Resources Allocation: Laws and Emergin Issues (A Short Course), § A (June 8-11, 1981). [8 pp.]
- 1981: MISSOURI RIVER FLOOD PLAIN: LEGAL AND INSTITUTIONAL FRAMEWORK STUDY (Missouri River Basin Comm'n, May 1981). 534 pp.
- 1981: *Use of Australian Legal Materials for Water Law Research: With Comparison with Anglo-American Materials*, in Papers of 8th Int'l Ass'n of Law Librarians on Law Librarianship, no. 5 (Sydney NSW, Australia, May 11-15, 1981). 16 pp.
- 1981: *Floodplain Land Use Regulation by Local Governments -- Authority, Limitations and Restraints*, in ABA Spec. Comm. on Housing & Urban Dev. Law, Floodplains and Wetlands: Legal Constraints and Options, c. 7 (Jan. 28-29, 1981). [15 pp.]
- 1980: MISSOURI INSTREAM FLOW REQUIREMENTS: A PHYSICAL AND LEGAL ASSESSMENT (with Sharp & Falteisek), chs. 5-10, at 105-326 (Mo. Office of Administration, 1980).
- 1978: *State Ownership of Beds of Inland Waters--A Summary and Reexamination*, 57 NEBRASKA LAW REVIEW 665-703 (1978).
- 1978: "Statement and Testimony on Legal and Institutional Research Needs Related to Groundwater Allocation and Management", in Hearings of Subcomm. on the Environment & the Atmosphere, Comm. on Science & Technology, U.S. House of Representatives, 95th Cong., 2d Sess., Apr. 27-1978, at 265-85.
- 1977: *Mineral Rights Conveyances and Leases in Missouri*, 33 J. MO. BAR 179-88, 248-56, 297-310 (1977).
- 1977: MISSOURI STATE LAWS PERTAINING TO WATER AND RELATED LAND RESOURCES (with Lauer & Cunningham) [158 pp.] (Mo. Clean Water Comm'n 1978).
- 1975: *Nationalization of Water Use Rights by the Australian States*, 9 U. QUEENSLAND L.J. 1-25 (1975).
- 1974: *Groundwater Pollution: Case Law Theories for Relief*, 39 MISSOURI LAW REVIEW 117-63 (1974).
- 1972: *Wells and Streams: Relationship at Law*, 37 MISSOURI LAW REVIEW 189-245 (1972).
- 1971: *Theories of Water Pollution Litigation*, 1971 WISCONSIN LAW REVIEW 738-816 (1971).
- 1971: *The Law's Response to Conflicting Demands for Water: The United States and the Soviet Union*, in WATER RESOURCES AND POLICY IN THE SOVIET UNION 53-74 (I.K. Fox, ed., Univ. of Wis. Press 1971).
- 1968: *Australian and American Water Allocation Systems Compared*, 9 BOSTON COLLEGE INDUSTRIAL & COMMERCIAL LAW REV. 647-710 (1968).
- 1968: *Soviet and American Water Law: Two Approaches to a Common Problem*, 1 ANNALES JURIS AQUARUM 282-305 (1st Int'l Conf. on Water Law, Mendoza, Argentina, 1968).
- 1964: *Sources of American Law*, 37 AUSTRALIAN LAW JOURNAL 373-84 (1964).
- 1964: Finding List of American legal Materials in Australian Law Libraries [121 pp.] (Australian Nat'l Univ. Press 1964).

Pending Articles

Water Law Development in Missouri, in HISTORY OF MISSOURI LAW (written 2007).

Research Projects (not leading to publication)

- 1987: History of Laws Regulating Groundwater Quality and Emerging Federal and State Laws Related to Groundwater Protection (unpublished, Missouri Groundwater Protection Task Force 1987). [58 pp.] [Joyce Fndn, as study sponsor, elected not to publish.]
- 1985-87: Draft Missouri Water Use Permit Law (Annotated), H.B. 1470 (1986 sess.) and H.B. 238 (1987 sess.) [66 mspp. double-space] and accompanying documentation [36 mspp.] [not enacted.]
- 1985: The Effects of the [Florida] Marketable Record Title Act on the Common Law (unpublished Fla. St. Univ. Coll. of Law 1985). [78 pp.] [issue of state title to beds of navigable waters rendered moot by Florida Supreme Court decision before publication.]
- 1984: Residual Riparian Rights under Water Rights Vesting Acts in New Zealand and Commonwealth Countries (unpublished, for New Zealand Universities Law Review). [64 mspp. double space] [successor editor elected not to publish, in part because of length.]
- 1975: Irrigators' Rights to Water (unpublished, for Sydney Law Review). [171 mspp. double-space] [editor elected not to publish, because of length.]

Selected Lectures (without publication)

- 1999: *Copyright Law for Academics*, presented to Missouri Ass'n of Faculty Senates, Feb. 1, 1999, and to MY law faculty colloquium, Feb. 23, 1999.
- 1992: *Divergence and Convergence of Water Use Law and Permitting in Australia, Britain and the United States*, presented to National Environmental Law Ass'n, Brisbane, Qld., Australia, July 10, 1992. [11 pp. handout.]
- 1992: *Common Law Theories in Private Water Pollution Lawsuits*,
(1) presented at Bond University School of Law, Gold Coast, Qld., Australia, July 13, 1992;
(2) presented at Auckland University School of Law, Auckland, New Zealand, July 16, 1992. [19 pp. handout.]
- 1992: *Environmental Law in the United States and Missouri*:
(1) presented at Bond University School of Law, Gold Coast, Qld., Australia, July 13, 1992;
(2) presented at Auckland University School of Law, Auckland, New Zealand, July 16, 1992. [14 pp. handout.]
- 1990: *Environmental Law in the United States and Missouri*:
(1) presented as 5-day series at Environmental Law Research Institute, Wuhan University, Wuhan, Hubei, P.R. China, May 21-25, 1990;
(2) presented as 1-day seminar at Hubei Provincial Bureau, Environmental Protection Agency, Wuhun, Hubei, P.R. China, May 28, 1990;
(3) presented as 2-day lecture at Northwest Institute for Political Science & Law, Xi'an, P.R. China. [75 pp. handout.]

Most lectures omitted.

Selected Unpublished Article/Book Manuscripts and Research Reports

- 1987: History of Laws Regulating Groundwater Quality and Emerging Federal and State Laws Related to Groundwater Protection (unpublished, Missouri Groundwater Protection Task Force 1987). [58 pp.] [Joyce Fndn, as study sponsor, elected not to publish.]

- 1985: Draft Missouri Water Use Permit Law (Annotated). [66 mspp. double-space] and accompanying documentation [36 mspp.] [not enacted.]
- 1985: The Effects of the [Florida] Marketable Record Title Act on the Common Law (unpublished Fla. St. Univ. Coll. of Law 1985). [78 pp.] [research rendered moot by Florida Supreme Court decision before publication.]
- 1984: Residual Riparian Rights under Water Rights Vesting Acts in New Zealand and Commonwealth Countries (unpublished, for New Zealand Universities Law Review). [64 mspp. double space] [successor editor elected not to publish, in part because of length.]
- 1975: Irrigators' Rights to Water (unpublished, for Sydney Law Review). [171 mspp. double-space] [editor elected not to publish, because of length.]

Courses Taught

(in chronological order)

(*: introduced to curriculum by Prof. Davis)

Property (1970-1980), *Environmental Law Seminar (1970-2000), *Water Law (1970-2008), *Environmental Law (1980-date), *Intellectual Property (1980-date), Land Use Controls (1980-2009), *Natural Resources Law (1980-date), Estates & Trusts (1982-date), *Mineral Law (1988-2002), *Railroad Law (1998), *Patent Law (1999-2001), *Transportation Law (2003), Copyright Law (2000-2002), Trademark Law (2011).

Law School Service

1991-2002: Admissions Committee (chair 1992-2002).
 1991-2002: Law Library Committee.
 1997-2002: Technology Committee.
 1991-1997: Readmissions & Standards Committee.
 1976-19xx: Curriculum Committee
 1973-19xx: Readmissions Committee
 1973-19xx: Moot Court Committee (chair).
 1973-197x: Student-Faculty Relations Committee.

University Service

late 1990's:
 1981-98: Patents & Copyrights Committee.

Campus Service

2003-05: Institutional Review Board, MU Medical School [reviews proposals for human subject research].
 2002: Conflict of Interest Committee.
 1994: Campus Facilities Committee.
 1993-94: Campus Planning Committee (EAC liaison).
 1991-98: Environmental Affairs Council.
 1985-88: Faculty Council (Parliamentarian 1986-87).
 1978-81: Library Committee (chair 1980-81).
 1979-81: Research Council.
 1973-75: Tuition & Residence Committee (chair 1974-75).
 1973: Student Conduct Committee.

Non-law Articles

1984: *High Speed Down Under*, 15 PASSENGER TRAIN JOURNAL NO. 4, AT 32-35, 42 (APR. 1984)..

Community Service

1986-date: Railroad Advisory Board, City of Columbia [chair since 1990].

2003-05: Stewardship Commission, Missouri United Methodist Church [conducts annual pledge drive] [co-chair 2005].

1970's-date: Editor, *Waybill*, monthly bulletin of Mid-Missouri Railfans Club [3 multi-year periods over past 30 years].

1993-2002: Columbia Civic Orchestra, Inc., board of directors [vice-chair 1993-2002].

2000: I-70 Stakeholders Advisory Committee, City of Columbia [develop responses to preliminary highway widening and alternative routes].

1990-92: Board of Trustees, Missouri United Methodist Church [supervises church building improvements & maintenance].

1987-88: reporter to church bylaws drafting committee, Missouri United Methodist Church.

1983-85: Council on Ministries, Missouri United Methodist Church

1980-94: Mid-Missouri Railroad Enthusiasts, Inc., board of directors [lessees & restorers of historic Wabash Railroad freight station -- demolished by City of Columbia in 1995] [treasurer 1980-94].

1973-76: Planned Parenthood of Central Missouri, board of directors [president 1974-75].

Planned Parenthood v. Danforth, 428 U.S. 52 (1976), was argued during this period.

1973-81: Planning & Zoning Commission, City of Columbia [chair 1975-76].