

Winter 2011

The Problem of Environmental Monitoring

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Recommended Citation

Eric Biber, *The Problem of Environmental Monitoring*, 83 U. COLO. L. REV. 1 (2011).

Available at: <https://scholar.law.colorado.edu/lawreview/vol83/iss1/2>

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FOREWORD

It is a tradition of the University of Colorado Law Review to publish, in each new volume, one issue comprised of articles, essays, and speeches presented at our annual symposium. We select a theme for each year's symposium to reflect a topic of importance to the legal community, and the symposium issue has become a vibrant and important component of each new volume of the Colorado Law Review. This year our symposium—and, consequently, our symposium issue—took on a unique format, which bears some explanation.

In July 2011, David H. Getches, former Dean of the University of Colorado Law School, passed away after serving Colorado Law and the Colorado legal community for more than thirty years. The Colorado Law Review chose to honor Dean Getches and his invaluable contributions to the legal profession by dedicating our 2012 symposium to his memory. Thus, the articles, essays, and speeches published in this issue represent the many areas of legal study to which Dean Getches contributed: American Indian law, water law, environmental law, and natural resources law. The authors of the articles each knew Dean Getches, and the symposium provided Dean Getches's colleagues the opportunity to share some of their memories.

Two of the pieces in this issue delve into one of Dean Getches's primary areas of interest: American Indian law. Richard Collins, a professor at the University of Colorado Law School who also taught during Dean Getches's tenure, discusses the judicial canons of construction used for American Indian treaties and statutes. Matthew Fletcher also analyzes Dean Getches's work with American Indians by revisiting the 1978 report drafted by Dean Getches, *Indian Courts and the Future*. Professor Fletcher explains that American Indian courts require a solid legal infrastructure to ensure fundamental fairness individuals under tribal government authority. Rebecca Tsosie, professor at the Sandra Day O'Connor College of Law, also writes about Dean Getches's work in this area. She discusses Dean Getches's efforts to establish "a philosophy of hope and a landscape of principle" for American Indian law.

In his article Justice Gregory Hobbs of the Colorado Supreme Court examines the development of Colorado water law from its originating principles to present day. Dean Getches was known not only for his impressive scholarship on the topic of water law, but also for his abiding love of Colorado's rivers and streams. Justice Hobbs's article provides a comprehensive overview of an area of law that inspired much passion in Dean Getches. Additionally, Charles Wilkinson, a professor at the University of Colorado Law School who also worked with Dean Getches in many other arenas, explores the lasting impression Dean Getches left on the people, land, and water of the West.

Both John Leshy, of the University of California Hastings College of Law, and Timothy E. Wirth, a former United States Senator and Representative, spoke at the symposium. In their speeches they revisited the lasting and expansive impact Dean Getches had on different areas of the law, showing how many diverse interests Dean Getches had and how dedicated he was to each and every one. We have also included a speech by Bill Hedden, the Executive Director of the Grand Canyon Trust, who spoke at the symposium about climate change and how to address the world's most pressing environmental issues. During his life, Dean Getches never shied from the most difficult challenges facing the legal profession. Mr. Hedden's speech continued Dean Getches's tradition of facing these difficult challenges and tackling them head-on.

Lastly, we include Dean Getches's speech delivered on April 7, 2011 at the Federal Bar Association Indian Law Conference. We include these remarks to provide just one small example of how inspiring Dean Getches was to all those around him. In his remarks, he discussed the past and future of American Indian law and the essential elements for the survival of all tribal nations.

The University of Colorado Law Review is proud to honor Dean Getches and the immeasurable impact he had on the University of Colorado Law School, the Colorado legal community, and the legal profession in general. We dedicate this issue of the Law Review to his memory.

JESSICA J. SMITH
Editor-in-Chief