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In Memoriam

Picturing Richard Parker: Our Enthusiastic Colleague

JOSEPH A. MACDOUGALD

These remarks honor the memory of Richard W. Parker, Professor of Law, Director of the Semester in DC Program, and Policy Director of the Center for Energy and Environmental Law at the University of Connecticut School of Law.



Picturing Richard Parker: Our Enthusiastic Colleague

JOSEPH A. MACDOUGALD *

In October 2021, the University of Connecticut School of Law community lost a valued colleague, educator, and scholar in Richard Parker. Richard formed strong bonds among the UConn Law faculty, staff, and students, as well as in the broader academic and professional communities.¹

Richard and I were connected through our common interest in environmental law and our common efforts in the Center for Energy & Environmental Law. Richard was an exuberant conversationalist, sometimes becoming so enthusiastic that his excitement would arc from him into the listener, who would reflect it back in their response. He had such broad interests that a chat with Richard could find topics veering from modelling climate risk in the insurance industry; to critiquing ill-advised government action (or more often, inaction); to politics of any and all sorts; or, to one of my favorite memories, a protracted debate on the merits of holding a fracking conference in a state that cannot frack.²

However, as Professor Thomas Morawetz notes, Richard was not just a talker, but also an “exemplary listener.”³ As part of his genuine interest for other’s opinions, Richard practiced a form of conversational egalitarianism. It didn’t matter if the speaker was a faculty member, student, practitioner, or the kids of one of his colleagues.⁴ All speakers were equal and interesting.

Richard also had a deep devotion to his students. The summer before he needed to move his classes online for the pandemic, he spent weeks plotting and planning his syllabi and assignments, calling me and others about online platforms and running video in class. When he became ill last fall, as an interim measure, he assigned to his current students the recordings of his

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¹ For evidence of this, see Joseph Allan MacDougald, *A Personal Remembrance of Richard Parker*, YALE J. ON REGUL.: NOTICE & COMMENT (Feb. 18, 2022), <https://www.yalejreg.com/nc/a-personal-remembrance-of-richard-parker-by-joseph-allan-macdougald/>.

² MacDougald, *supra* note 1 (describing a conference, inspired by Richard, that was an enormous success with extensive student engagement: “Even now, I think only Richard Parker could have talked me into supporting a fracking conference in Connecticut, a *state without any fracking!*”).

³ Thomas Morawetz, *On Dignity and Passion*, 54 CONN. L. REV. 285, 288 (2022).

⁴ A personal recollection on this point: Richard, having flown up to Connecticut for a surprise party that my devious wife had planned, was spotted, hours later, locked in animated back and forth with the three MacDougald kids—high school and college aged at the time. The conversation evidently ranged from politics, to climate change policy, to linguistics, to things apparently hilarious and definitely useful about living in Washington, DC. They remember it to this day.

classes from the prior year. Having mentioned to Richard that I'd listened to the recordings while preparing to teach a class session in his absence, his first question was not, "How did I sound?" Instead, he asked, "How do you think it went with the students?" Students were always his first priority.

I've been thinking about what made Richard so special to so many people. A clue, I believe, can be found in his scholarship. Although Richard's writings deliver strong, sometimes relentless, critiques of policy (usually environmental), his conclusions are frequently based on a positive premise: that process and principled conversation can lead to a better world.

For instance, in *The Empirical Roots of the "Regulatory Reform" Movement: A Critical Appraisal*,⁵ Richard wrestles with the popular preconception that regulations have too high of a cost for too little benefit. Part of his proposed solution is that agencies "find new ways to capture and explain heuristically . . . unquantified risks and regulatory benefits."⁶ In other words, if agencies could only truly communicate the importance and worth of regulatory systems, the public would come around. Whether he was exploring international trade,⁷ advocating for environmental trade sanctions,⁸ comparing COVID-19 policies in New Zealand versus the United States,⁹ or critiquing methodologies that he felt exaggerated cost estimates of regulations,¹⁰ Richard most often conveys a belief that principled processes and thoughtful policy can, literally, save the world. Is it any wonder, then, that such a practitioner of principled, conversational engagement as a colleague was also a zealous advocate for negotiated rulemaking as the best way to solve complex problems?

In closing, there is a picture that crystallizes Richard Parker for me. An idea emerged out of one of my earliest talks with Richard. I asked an Obama administration official and friend if he might give a guest lecture for the Semester in DC Program that Richard oversaw. The speaker accepted and suggested that the class meeting be held on the White House grounds. On a perfect DC fall evening, Richard, the students, and I entered the complex through our appointed gate, and our host led us through the White House before settling us in a conference room at the Eisenhower Executive Office Building. During our walk, Richard was lecturing on the fly, setting the context for the talk to come.

Once the guest lecture was underway, I snuck behind the speaker to snap a picture of the group. In the photo, sitting off to the right hand side, is

⁵ Richard W. Parker, *The Empirical Roots of the "Regulatory Reform" Movement: A Critical Appraisal*, 58 ADMIN. L. REV. 359 (2006).

⁶ *Id.* at 395.

⁷ Richard W. Parker, *Four Challenges for TTIP Regulatory Cooperation*, 22 COLUM. J. EUR. L. 1 (2015).

⁸ Richard W. Parker, *The Case for Environmental Trade Sanctions*, 7 WIDENER L. SYMP. J. 21 (2001).

⁹ Richard W. Parker, *Why America's Response to the COVID-19 Pandemic Failed: Lessons from New Zealand's Success*, 73 ADMIN. L. REV. 77 (2021).

¹⁰ Richard W. Parker, *The Faux Scholarship Foundation of the Regulatory Rollback Movement*, 45 ECOLOGY L.Q. 845 (2018).

Richard Parker, leaning back in his chair, rapt in attention with a half-smile on his face. Around him are his students, hanging onto the words of an animated administrative law guest speaker. All of us are in a room located at the very epicenter of policy. In the photo, Richard appears totally content and engaged.

I remember him like that.

* * * *

To provide additional remembrances of Richard, I asked some past and current students and a longtime Semester in DC Program guest lecturer to provide their reflections.

Reflection of Maxine Segarnick Keefe, University of Connecticut School of Law, JD, 2016, and Attorney, U.S. Nuclear Regulatory Commission.

Professor Parker was an inspiring teacher and mentor who, in many ways, opened the doors to my career in federal service through the Semester in DC Program. I also had the honor of serving as his Research Assistant for two years, where I learned from his thorough and enthusiastic approach to legal research and writing. We kept in touch after law school and, over the occasional lunch or coffee in DC, he would pick my brain on the latest energy law issues, and I would pick his on nuances in administrative law. I will miss his unending support and energizing, thoughtful discussions. Professor Parker opened many doors for many people, and I am grateful to have been one of them.

Reflection of Michael Fitzpatrick, a friend and colleague who worked with Richard and who guest lectured for the Semester in DC Program and several CEEL conferences over the past thirteen years while at the White House, GE, and Google.

Richard was a marvel of curiosity, intelligence, balance, and class. His easy laugh and twinkle in his eye always made our conversations a treat, even when we didn't always see eye-to-eye. And, best of all, he agreed our discussions were best handled with a nice cocktail. He will be sorely missed.

Reflection of Paschaline Nsiah-Asare, University of Connecticut School of Law, LLM, 2017, SJD, current.

In the fall of 2017, I went to Professor Parker for direction in his course. Once there, however, I was simply too scared to say what was on my mind. "Professor, I fear I am not good at

writing.” To be honest, maybe I wanted to impress him because he had such a quiet confidence that was often intimidating in the gentlest of ways.

Without mentioning it, halfway through our meeting, I could tell he sensed I was particularly worried about the quality of my writing, perhaps because I kept asking about his margin notes on my graded assignment. At the end of the meeting, he said to me, “Just keep writing.” Without me even asking or having to say anything, Professor Parker knew. I said, “Thank you,” but I really wish I could have told him that meeting and that phrase deeply encouraged me. Retrospectively, his words gave me the confidence I needed to pursue my dream of enrolling in my current doctoral program. Thank you, Professor Parker.