American Energy Independence: An “all of the above” strategy for our energy policy

Friday, March 30, 2012
8:30 AM - 4:15 PM

Keynote Speaker
Mary Lou Fry
Senior Legal Counsel, Statoil

Featured Speaker
Marcilynn Burke
Acting Assistant Secretary, Land and Mineral Management, U.S. Department of the Interior
University of Houston Law Center Professor

Ethics Speaker
John Dupuy
Assistant Inspector General, Office of Investigations, Department of the Interior

JPMorgan Chase Tower
25th Floor Conference Room
Offices of Locke Lord LLP
600 Travis, Houston, Texas 77002

Sponsored by The Environment, Energy & Natural Resources Center of the University of Houston Law Center and Locke Lord LLP

Six Hours of CLE Credit, Including One Hour of Legal Ethics Credit
AMERICAN ENERGY INDEPENDENCE: AN “ALL OF THE ABOVE” STRATEGY FOR OUR ENERGY POLICY

In his State of the Union address, President Obama stated he wanted to pursue an “all of the above” strategy for United States energy policy. Our symposium will focus on different strategies and methods for decreasing America’s dependence on foreign energy producers. Hydraulic fracturing is a method of increasing domestic production, but is opposed by groups for fear of unknown environmental impacts. Offshore drilling is similarly controversial after the 2010 BP disaster. On the other hand, the use of renewable resources is promising but lacks infrastructure. Renewable resources coupled with smart grid technology is another option to more effectively distribute resources and create incentives for reduction of energy use.

ENVIRONMENTAL & ENERGY LAW & POLICY JOURNAL

Utilizing the resources of the UH Law Center’s faculty and the school’s location in the energy capital of the world, EELPJ’s mission is to be the premier interdisciplinary publication dealing with the intersection of environmental and energy law and policy issues. In pursuit of that goal, the Journal hosts an annual symposium that brings together a broad constituency of practitioners, academics, policymakers, and regulators to address timely issues of importance to the energy and environmental communities. The symposium articles are then published in an issue of the Journal.

FACULTY ADVISERS

Zachary Bray, Assistant Professor of Law
Darren Bush, Professor of Law
Tracy Hester, Visiting Assistant Professor of Law, Director of Environment, Energy & Natural Resources Center
Jacqueline L. Weaver, A.A. White Professor of Law

2011-2012 BOARD OF EDITORS

Ryan Becker, Editor-in-Chief
Brittany Morris-Easley, Chief Symposium Editor & Director
Dave Brucker, Chief Publication Editor
Adam Fomby, Managing Editor
Catherine Zarate, Chief Recent Developments Editor
Stephanie Gardner, Chief Articles Editor

ENVIRONMENT, ENERGY & NATURAL RESOURCES CENTER

Grand Underwriters
Connelly • Baker • Wotring LLP
Gardere Wynne Sewell LLP
Bracewell & Giuliani LLP
Vinson & Elkins LLP

Benefactors
Porter & Hedges LLP

Sponsors
Blackburn Carter, P.C.
El Paso Corporation

Environmental & Natural Resources Law Section of the State Bar of Texas
8:30 a.m.  BREAKFAST

8:45 a.m.  WELCOME
TRACY HESTER
Visiting Assistant Professor and Director of the Environment, Energy & Natural Resources Center

9:00-9:40 a.m.
“All of the Above: Managing Federal Public Lands, Waters, and Minerals”
MARCILYNN BURKE
University of Houston Law Center Professor on leave to serve as Acting Assistant Secretary, Land and Minerals Management, U.S. Department of the Interior

9:40-9:50 a.m.  QUESTIONS & ANSWERS

9:50-10:30 a.m.
“Two Tales of Shale: The Differences Between Hydraulic Fracturing for Oil and Gas”
JOSHUA P. FERSHEE
Associate Professor of Law and Associate Dean for Academic Affairs and Research, University of North Dakota School of Law

10:30-10:40 a.m.  QUESTIONS & ANSWERS

10:40-10:55 a.m.  BREAK

10:55-11:35 a.m.
“Cruise Control, Now Speed Bumps: What about Speed Limits for OCS Leasing?”
SAM KALEN
Associate Professor of Law, University of Wyoming College of Law

11:35-11:45 a.m.  QUESTIONS & ANSWERS

11:45 a.m.-12:30 p.m.  LUNCH

12:30-1:10 p.m.  KEYNOTE SPEAKER
“From Renewables to Fossil Fuels: Utilizing Our Resources Strategically”
MARY LOU FRY
Senior Legal Counsel, Statoil

1:10-1:20 p.m.  QUESTIONS & ANSWERS

1:20-2:00 p.m.
“Interstate Transmission Challenges for Renewable Energy: A Federalism Mismatch”
ALEXANDRA B. KLAS
Professor of Law, Associate Dean for Academic Affairs, and the Solly Robins Distinguished Research Fellow at the University of Minnesota Law School

2:00-2:10 p.m.  QUESTIONS & ANSWERS

2:10-2:25 p.m.  BREAK

2:25-3:05 p.m.
“Distributed Energy Resources and the Smart Grid”
JOEL B. EISEN
Professor, University of Richmond School of Law

3:05-3:15 p.m.  QUESTIONS & ANSWERS

3:15-3:55 p.m.
“Energy and Ethics”
JOHN E. DUPUY
Assistant Inspector General, Office of Investigations, Department of the Interior

3:55-4:15 p.m.  QUESTIONS & ANSWERS
KEYNOTE SPEAKER

MARY LOU FRY
Senior Legal Counsel, Statoil

“From Renewables to Fossil Fuels: Utilizing Our Resources Strategically”

Mary Lou Fry is currently Senior Legal Counsel with Statoil in Houston. She is a member of the U.S. onshore management team which manages Statoil’s interest in the Marcellus, Eagle Ford, and Bakken shale assets. Mary Lou joined Statoil after a 19-year career with Torch Energy Advisors where she had been the vice president and general counsel with a focus on U.S. upstream and midstream oil and gas acquisitions and operations and renewable energy projects. She started her career with Mayer Brown in 1984 as an associate attorney in the Natural Resources Section after receiving her J.D. from Vanderbilt University School of Law and her B.S. in Economics from the University of Kentucky. After leaving Mayer Brown and prior to joining Torch Energy, she was an attorney in the exploration and production group at Shell Oil Co. for several years. Fry is active in community civic and charitable organizations and is a council member on the Houston Bar Association Oil and Gas Section board of directors.

SPEAKERS (IN SEQUENCE)

MARCILYNN BURKE
University of Houston Law Center professor on leave to serve as Acting Assistant Secretary, Land and Minerals Management, U.S. Department of the Interior

“All of the Above: Managing Federal Public Lands, Waters, and Minerals”

Marcilynn Burke joined the Law Center faculty in 2002. She teaches courses in property law, land use law, natural resources law, and environmental law. She received her A.B. in International Studies in 1991 from the University of North Carolina at Chapel Hill and her J.D. in 1995 from Yale Law School where she was an editor for both the Yale Journal of Law and Feminism and the Yale Journal of International Law. She clerked for The Honorable Raymond A. Jackson of the Eastern District of Virginia before joining the Washington, D.C., office of the law firm of Cleary Gottlieb Steen & Hamilton. During her four years at the firm, her practice focused on environmental law, antitrust, and civil and criminal litigation.

Burke spent the 2001-02 academic year as a visiting professor of law at Rutgers School of Law-Camden (New Jersey). Her scholarly interests include natural resources, property law, land use law, and environmental law.
Joshua P. Fershee
Associate Professor of Law & Associate Dean for Academic Affairs and Research
University of North Dakota School of Law

“Two Tales of Shale: The Differences Between Hydraulic Fracturing for Oil and Gas”

Joshua P. Fershee’s research and scholarship has focused on creating a comprehensive view of energy and energy-related law and policy that includes a consideration of economic, environmental, and social issues, as well as the impacts of law and regulation on business and corporate governance. His broad-ranging scholarship covers multiple sectors of the energy industry, including electricity, natural gas, wind, traditional and renewable transportation fuels, geothermal energy, renewable portfolio standards, and hydraulic fracturing for oil and gas. Fershee’s recent articles have appeared in a variety of journals, including the *Harvard Journal on Legislation*, *Energy Law Journal*, *Connecticut Law Review*, and *Environmental Law*. He contributed the Energy Subsidies section to the *Encyclopedia of Sustainability* and the chapter on Renewables Mandates and Goals in *The Law of Clean Energy*, a book published by the American Bar Association. Fershee joined the University of North Dakota School of Law faculty in 2007. He received his J.D. magna cum laude from Tulane Law School, where he was elected Order of the Coif and editor-in-chief of the *Tulane Law Review*.

Sam Kalen
Associate Professor of Law
University of Wyoming College of Law

“Cruise Control, Now Speed Bumps: What about Speed Limits for OCS Leasing?”

Sam Kalen teaches environmental law, energy law, legislation, and legal history. Prior to joining the faculty at the University of Wyoming, Kalen was a partner at a Washington, D.C., law firm, and served as a visiting professor at Florida State University College of Law and Penn State (Dickinson) School of Law, and as an adjunct professor at Washington & Lee University Law School and the University of Baltimore School of Law. He also worked in the Solicitor’s Office at the Department of the Interior during the Clinton Administration. In addition, he has served as chair or vice-chair on a variety of committees for the American Bar Association Section on Environment, Energy & Resources. Kalen earned his J.D. from Washington University, St. Louis, in 1984 and a B.A. from Clark University, Worcester, MA, in 1980.
ALEXANDRA B. KLASS
Professor of Law, Associate Dean for Academic Affairs, and the Solly Robins Distinguished Research Fellow
University of Minnesota Law School

“Interstate Transmission Challenges for Renewable Energy: A Federalism Mismatch”

Alexandra B. Klass teaches and writes in the areas of environmental law, energy law, natural resources law, tort law, and property law. Her scholarly work includes publications in William & Mary Law Review, Minnesota Law Review, University of Illinois Law Review, Iowa Law Review, University of Colorado Law Review, Harvard Environmental Law Review, and Ecology Law Quarterly. Prior to her teaching career, Klass was a partner at Dorsey & Whitney LLP in Minneapolis, where she specialized in environmental law and land use litigation. She received her B.A. from the University of Michigan and her J.D. from the University of Wisconsin Law School. She was a law clerk to The Honorable Barbara B. Crabb, U.S. District Court, Western District of Wisconsin. She is a member scholar at the Center for Progressive Reform and a Resident Fellow at the University of Minnesota’s Institute on the Environment.

JOEL B. EISEN
Professor
University of Richmond School of Law

“Distributed Energy Resources and the Smart Grid”

Professor Joel Eisen focuses his teaching and scholarship on the Smart Grid, renewable energy, and energy and climate change in China. His article, Residential Renewable Energy: By Whom?, was honored as one of the top four environmental law articles of 2011 by the Environmental Law Institute and Vanderbilt Law School. Eisen teaches courses in Environmental Law, Energy Law, Law of Climate Change, and Environmental and Energy Law in China. In recognition of his contributions to teaching, scholarship, and service, he was named the University of Richmond’s Distinguished Educator for 2010-2011. In spring 2009, Eisen was a Fulbright Professor of Law at the China University of Political Science and Law in Beijing. He is a co-author of the leading law and business school text on energy law, “Energy, Economics and the Environment”, with its third edition published in 2010. Eisen is a 1985 graduate of the Stanford Law School and earned a B.S. degree in civil engineering from the Massachusetts Institute of Technology in 1981. His primary avocation is constructing crossword puzzles; he has had puzzles published in the Washington Post, Los Angeles Times, and Wall Street Journal.
John E. Dupuy
Assistant Inspector General
Office of Investigations, Department of the Interior

“Energy and Ethics”

John Dupuy joined the OIG in 2005 and is responsible for the conduct of all criminal, civil, and administrative investigations. Past cases have involved public corruption, misconduct, ethics, procurement fraud, natural resources, and endangered species matters. Prior to joining the Department of the Interior, Dupuy was a Special Agent in Charge and Acting Deputy Assistant Inspector General for Investigations for the Department of Housing and Urban Development and served as an officer in the U.S. Army.
Website and Subscription Information:
www.law.uh.edu/eelpj

Environment, Energy and Natural Resources Center
www.law.uh.edu/eenrcenter/homepage.html