

THE

ENERGY

EQUATION

16TH ANNUAL TULANE LAW SCHOOL SUMMIT ON ENVIRONMENTAL LAW & POLICY

PRESENTED BY THE TULANE ENVIRONMENTAL LAW SOCIETY

APRIL 1-3, 2011, NEW ORLEANS, LOUISIANA

OPEN TO ATTORNEYS, STUDENTS (FREE), GENERAL PUBLIC

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Tulane University
LAW SCHOOL



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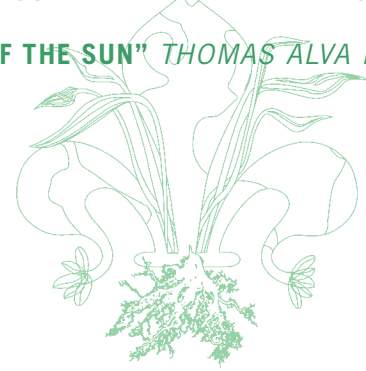
Tulane University Environmental Law Summit

6329 Freret Street, Suite 353
New Orleans, LA 70118

Presented by Tulane Environmental Law Society
summit.law.tulane.edu
e-mail: envirolawsummit@tulane.edu



“NOT ONLY WILL ATOMIC POWER BE RELEASED, BUT SOMEDAY WE WILL HARNESS THE RISE AND FALL OF THE TIDES AND IMPRISON THE RAYS OF THE SUN” THOMAS ALVA EDISON



Energy: What does it all add up to?

Energy: how we will get it and how we will use it are two of the most important policy questions in the country today. Both the production and use of energy can have far reaching and sometimes unanticipated environmental effects.

The Energy Equation will focus on many of the hot topics in United States energy policy, including declining reserves in our most popular energy resources, the pros and cons of our renewable energy resources and how policy decisions influence energy use in the United States.



FRIDAY, APRIL 1, 2011

8:00 am

Summit Registration

Tulane Law School, Weinmann Hall

9:00 am – 11:00 am

Ethics and Professionalism Panel

Lavin-Bernick Center, Rechler Room

The ethical and professional codes that bind attorneys are integral to the practice. Navigating and complying with these codes will bring challenges in the life of almost every lawyer. This panel will look at the duties attorneys must balance, including those to their clients and to the courts. It will also examine the obligations attendant in attorneys' professional relationships with one another.

Robert Westley, *LOCHEF Professor of Legal Ethics and Professional Responsibility, Tulane University Law School, New Orleans, LA*; **Alan Childress**, *Conrad Meyer III Professor of Civil Procedure, Tulane University Law School, New Orleans, LA*

11:00 am – 11:05 am Break

11:05 am – 11:15 am

Opening Address, welcome and orientation

11:15 am – 12:30 pm

Food vs. Fuel, Weinmann Hall, Room 110

How much should a sustainable energy policy focus on biomass and biofuels? Are they the answer to this nation's energy problems and dependence on fossil fuels, or a problem of their own? As forests and food crops are be-

ing eyed for their biofuel potential, are we looking at a change in forestry and farming policy and subsidies for biomass production?

Michael Blazier, *Associate Professor, Louisiana State University Agricultural Center, Northwest Region, Calhoun, LA*; **William McDow**, *Energy Program, Environmental Defense Fund, Raleigh, NC*; **Will Reisinger**, *Attorney, Ohio Environmental Council Columbus, OH*; **John Harms**, *Chair, Federal Bar, Section on Environment, Energy and Natural Resources, Washington, D.C. (moderator)*

12:30 pm – 1:45 pm Lunch

1:45 pm – 3:00 pm

The New Grid, Weinmann Hall, Room 357

Much focus has been placed on increasing the role of renewable resources in U.S. energy policy. With different areas of the country having access to different types of renewable resources, how will these be transported nationwide? The outdated energy grid may make our efforts toward our reliance on renewables futile. Panelists will discuss the law and politics behind updating the energy grid.

Colin Meehan, *Renewable Energy Specialist, Environmental Defense Fund, Austin, TX*; **Amy Hardberger**, *Attorney, Environmental Defense Fund, Austin, TX, Visiting Professor, Texas Tech University School of Law, Lubbock, TX*; **Judith Schwartz**, *To the Point, Palo Alto, CA*; **Thadeus B. Culley**, *Attorney, Keyes & Fox, LLP, Oakland, CA (moderator)*

Nuclear Energy: Where Do We Go From Here?

Weinmann Hall, Room 110

Over 100 nuclear plants exist in the United States, more than double that number operate worldwide. While nuclear power plants do not emit carbon dioxide, they do produce toxic waste, use large amounts of cooling water and present inherent worst-case risks. The panelists will focus on the impacts and economics of nuclear power and how legal and political strategy might push nuclear energy to nonexistence or proliferation.

Pat Parenteau, *Senior Counsel to the Environmental and Natural Resources Clinic and Professor of Law, Vermont Law School, South Royalton, VT*; **Roger Clark**, *Air & Energy Program Director, Grand Canyon Trust, Flagstaff, AZ*; **Diane Curran**, *Attorney, Harmon, Curran, Spielberg + Eisenberg, LLP, Washington, DC*; **Bill Goodell**, *Attorney, Goodell Law Firm, Lafayette, LA (moderator)*

3:00 pm – 3:15 pm Break

3:30 pm – 4:45 pm

The Fracking Equation, Weinmann Hall, Room 110

Many hail natural gas as a bridge-fuel to a sustainable energy policy, but the debate rages over how to extract and transport it. The interplay between natural gas and clean water is particularly dramatic – many have seen home videos of kitchen faucets set aflame. Still, natural gas remains an important component in evolving energy policy. This panel will explore recent regulation regarding natural gas fracking and potential limitations that could be imposed on the industry for environmental concerns.

James Van Nostrand, *Executive Director, Energy and Climate Center, Pace Law School, White Plains, NY*; **Elizabeth Nolan**, *Assistant Counsel, Bureau of Regulatory Counsel, Pennsylvania Department of Environmental Protection, Harrisburg, PA*; **Ken Gelburd**, *Federal Bar Association Section on Environment, Energy and Natural Resources; Assistant Regional Counsel, Pennsylvania Dept. of Environmental Protection, Norristown, PA (moderator)*



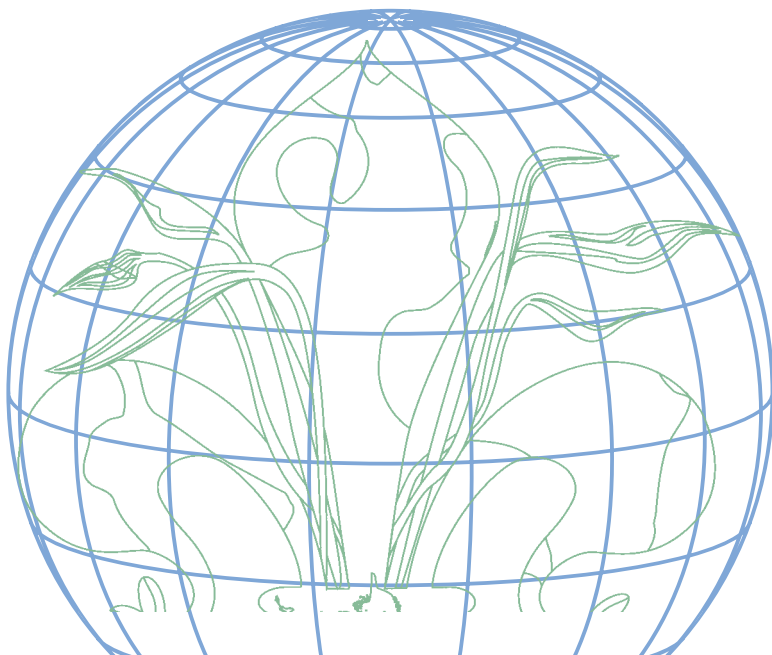


Factoring in the Animals, presented by Tulane's Student Animal Legal Defense Fund, **Weinmann Hall, Room 357**

Growing awareness about where our food comes from and its energy costs have spawned intense interest in the sustainability and energy efficiency of factory farming. This panel will explore the divergent policy interests at stake, and, the scope and success of litigation challenging factory farming on both animal welfare and environmental grounds.

Gene Baur, *Founder and Director of Farm Sanctuary, Glen Watkins, NY*; **Mariann Sullivan**, *Chair of the Animal Law Committee of the American Bar Association's TIPS Section; Adjunct Professor of Animal Law, Cardozo and Brooklyn Law Schools, New York, NY*; **Bill Weida**, *President of the Socially Responsible Agriculture Project, Boise, ID*; **Rachel Matthews**, *President, Tulane Student Animal Legal Defense Fund, New Orleans, LA (moderator)*

4:45 pm – 5:00 pm Break



5:00 pm – 6:15 pm Keynote address



Dr. Brent Blackwelder, *President Emeritus, Friends of the Earth, Washington, D.C.*
Climate Change and National Security

Brent Blackwelder has served as an environmental advocate for over 40 years. In 1994 he became president of Friends of the Earth and is the most senior environmental lobbyist in Washington. He has testified in front of Congress on pressing environmental issues more than 100 times.

Brent was a founder and first chairman of the board of American Rivers, our nation's leading river-saving organization. He was also one of the founders of the Environmental Policy Institute, which merged with Friends of the Earth in 1989.

As a leader in the effort to save rivers, Brent helped expand the National Wild and Scenic Rivers System from eight rivers in 1973 to over 250 today. He also worked to eliminate over 200 dams and other water projects that would have destroyed rivers, wetlands, wildlife and areas of special scientific value.

Brent initiated campaigns to reform the World Bank and succeeded in getting Congress to enact a series of significant reforms directing the Bank and other multilateral lending institutions to pay more attention to the environment.

Brent serves on the board of directors of the League of Conservation Voters Education Fund and 20/20 Vision. He graduated summa cum laude from Duke University and received an M.A. in Mathematics from Yale, and a Ph.D. in Philosophy from the University of Maryland.

6:30 pm – 7:30 pm

Reception

Woldenberg Art Center, Tulane University

7:30 pm – 9:00 pm

"Deep Water: a Collection of One Acts," put on by Tulane's Law ReView

Woldenberg Art Center, Tulane University

SATURDAY, APRIL 2, 2011

10:00 am – 10:15 am Opening Address

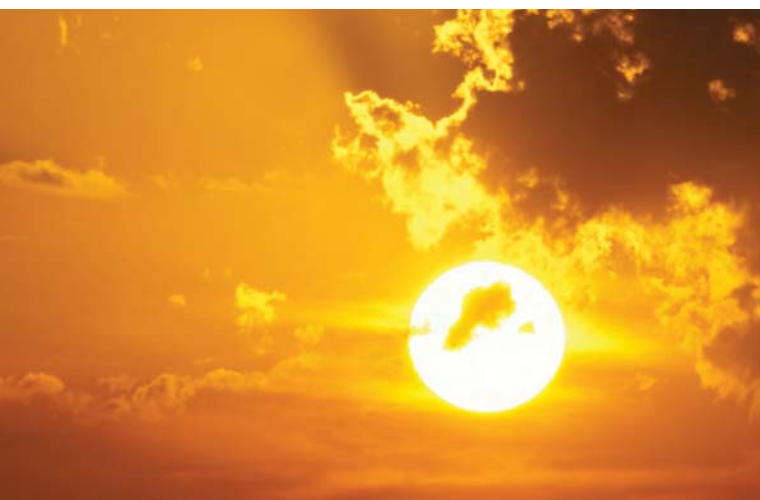
10:15 am – 11:30 am

This Land is My Land: Natural Resources and Native American Lands

Weinmann Hall, Room 110

Native Americans and other indigenous peoples fight a constant battle to preserve ancestral lands. Coal and nuclear energy make severe demands on native resources, including sacred lands near the Grand Canyon. Native Americans are caught between potential economic benefits and irreparable damage. Panelists will discuss the special repercussions of exploiting energy and the unique laws surrounding them.

Amy Atwood, Senior Attorney, Center for Biological Diversity, Portland, OR; **David Conrad**, Director, Tribal and Intergovernmental Affairs, Department of Energy, Washington, D.C.; **Vernon Masayesva**, Hopi Tribal Leader and Black Mesa Trust Director, Kykotsmovi, AZ; **David Gowdey**, Director, Tulane Office of International Students and Scholars (moderator)



Getting There from Here: Sustainable Transport

Weinmann Hall, Room 257

As we move toward more sustainable development, transportation is an essential part of this movement. How will transportation policy align with an outdated, highway-based infrastructure? From streetcars to high-speed cross-country rail, is the nation's progress in this area moving fast enough? Panelists will discuss progress of transportation systems in their respective locations and the impracticability of advancing in this arena without state and federal support.

Shelley N. Fidler, Managing Director, Environmental and Governmental Resources, Van Ness Feldman, Washington, D.C.; **Justin Augustine**, Vice President, Veolia Transportation Services, New Orleans, LA; **Brian Gist**, Senior Attorney, Southern Environmental Law Center, Atlanta, GA; **John R. Nolon**, Professor of Law, Counsel to the Land Use Law Center, Director of Kheel Center on the Resolution of Environmental Interest Disputes, Pace University Law School, White Plains, NY

11:30 am – 11:45 am Break

11:45 am – 1:00 pm

Are We Out of Gas?: The Peak Oil Question

Weinmann Hall, Room 110

Oil is not a renewable resource. Peak oil theory suggests that at some point in time demand for oil will be higher than the supply of oil. As oil reserves are depleted, finding and processing black gold become even more costly; possibly to the point where oil extraction will not be worth the costs. Panelists will discuss the legal and political issues revolving around the theory of peak oil.

Roger Sowell, Attorney, Marina del Rey, CA; **Joshua P. Fershee**, Professor, Energy Law and Policy, North Dakota Law School, Grand Forks, ND; **John Kaufmann**, Post Carbon Institute, Santa Rosa, CA; **Geoff Parker**, Director, Tulane Energy Institute, Professor, A. B. Freeman School of Business, Tulane University, New Orleans, LA (moderator)

The New Europe: Alternative Energy

Weinmann Hall, Room 257

This panel is not offered for CLE credit.

The European Union is a leader in the use of alternative fuel sources, with some countries getting over 40% of their electricity from renewable sources. How does renewable energy in the U.S. compare and what are its future prospects? This panel will compare the policies, regulations and economics of the renewable energy movement in the European Union with those in the United States.

Martin Scharrer, L.L.M., Chorus GmbH, Cleantech Funds, Munich, Germany; **Jack Jacobs**, Founder & Managing Partner, Clean Tech Law Partners, San Francisco, CA

1:00 pm – 2:00 pm Lunch

2:00 pm – 3:15 pm

Tangled Up in Turbines: Avian Species and Wind Energy

Weinmann Hall, Room 110

Wind energy is capable of generating clean and sustainable power for millions of Americans, but also poses a serious threat to birds and bats alike. The U.S. Fish and Wildlife Service estimates that 33,000 birds are killed every year by wind turbines. The panel will focus on the recent landmark case, *Animal Welfare Institute v. Beech Ridge Energy*, where Beech Ridge's wind energy project was found to be in violation of the Endangered Species Act. Panelists will discuss the necessity of a national wind energy policy that balances wildlife concerns.

William S. Eubanks II, Meyer Glitzenstein & Crystal, Washington D.C.; **Michael Rolland**, Attorney, New Orleans, LA; **Harold Schoeffler**, Sierra Club, Lafayette, LA; **David Muth**, Louisiana State Director, National Wildlife Federation, New Orleans, LA (moderator)

The Demand Side, Weinmann Hall, Room 257

The equation is obvious: less consumption means less impact from energy production when production follows demand. The question is also obvious: how do we get there from here? Panelists will discuss the legal and political obstacles and catalysts that fuel the energy efficiency movement.

John Frenkil, J.D., Van Ness Feldman, Washington, D.C.; **Warren Lavey**, Senior Law Fellow, Environmental Law and Policy Center, Chicago, IL; **Richard J. Sobelsohn**, Attorney, LEED Accredited Professional, Moses & Singer, New York City, NY; **Forrest Bradley Wright**, Alliance for Affordable Energy, New Orleans, LA



SATURDAY, APRIL 3, 2011 CONTINUED

3:15 pm – 3:30 pm Break

3:30 pm – 4:45 pm

Going with the Flow, Weinmann Hall, Room 110

Run-of-the-river power is a largely untapped source. Riversphere is a project which seeks to harness the power of the nation's largest river, the Mississippi.

This is not the only opportunity for water power in the region. This panel will discuss the maritime, permitting and related issues that these energy sources face and the potential for expansion from river energy in the Gulf.

Doug Meffert, Executive Director, Riversphere, New Orleans, LA; **Rose LeBreton**, Counsel for the Riversphere Project, Lugenbuhl, Wheaton, Peck, Rankin and Hubbard, New Orleans, LA; **Jon Guidroz**, Director of Project Development, Free Flow Power, New Orleans, LA; **Dana M. Shelton**, Attorney, Stone Pigman Walther Wittman LLC, New Orleans, LA

China: The New Energy Giant, Weinmann Hall, Room 257

This panel is not offered for CLE credit.

China's economic boom has been largely fueled by carbon sources. However, the Chinese government has adopted an aggressive energy efficiency program to cut CO2 emissions by 1.5 billion tons a year. Panelists will discuss the sustainability of China's current energy policies and how the United States might implement similar policies at home.

S.T. Hsieh, Director, U.S./China Energy and Environmental Technology Center, Payson Center, Tulane University, New Orleans, LA; **Michael Davidson**, China Climate Fellow, National Resource Defense Counsel, Washington, D.C.

4:45 pm – 5:00 pm Break

5:00 pm – 6:00 pm Keynote address



John Nagle, John N. Matthews Professor, Notre Dame Law School, Notre Dame, IN

“What Evangelicals Think About Climate Change and Why It Matters”

John Copeland Nagle is the John N. Mathews Chair at the Notre Dame Law School, where he teaches a variety of environmental law courses, as well as legislation and property law. He is the co-author of three casebooks: “The Practice and Policy of Environmental Law,” “The Law of Biodiversity and Ecosystem Management,” and “Property: Cases and Materials,” and his book “Law’s Environment: How the Law Affects the Environment,” was published by the Yale University Press in 2010. His other writings address Chinese environmental law, statutory interpretation, the problems associated with lame-duck lawmaking, and how religious teachings influence environmental law.

Professor Nagle has lectured on environmental issues at numerous forums in the United States and around the world. He has received two Fulbright awards: first to serve as a Distinguished Lecturer at the Tsinghua University School of Law in Beijing during 2002, where he taught property law and environmental law; and then to serve as a distinguished scholar with the faculty of law of the University of Hong Kong during the spring of 2008. He taught a course on climate change law at Notre Dame's London program during the fall of 2010.

Prior to joining the Notre Dame faculty, Professor Nagle was an associate professor at the Seton Hall University School of Law from 1994 through 1998. He also worked in the United States Department of Justice, first as an attorney in the Office of Legal Counsel where he advised other executive branch agencies on a variety of constitutional and statutory issues, and later as a trial attorney conducting environmental litigation. Professor Nagle served as a law clerk to Judge Deanell Reece Tacha of the United States Court of Appeals for the Tenth Circuit, and he was a scientific assistant in the Energy and Environmental Systems Division of Argonne National Laboratory. He is a graduate of Indiana University and the University of Michigan Law School.

6:00 pm – 7:00 pm Reception

SUNDAY, APRIL 3, 2011

8:45 am – 2:00 pm

Field Trip to Turtle Cove Environmental Research Station

Pass Manchac, LA





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Environmental
Law Summit**

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