

ENERGY LAW (ERGL)

ERGL 5800 Dispute Resolution (2)

This course is designed to expose students to a variety of alternative (to litigation) dispute resolution mechanisms. These include mediation, administrative conciliation, and arbitration. Students will be instructed both in the legal doctrines governing the manner in which these mechanisms are implemented and enforced as well as the skills attendant to participation as a party to one or more of these mechanisms. Particular focus will be put on instructing students in the preparation and participation in these alternative mechanisms. This will be accomplished through drafting of documents and participation in simulated exercises.

ERGL 6000 Energy Law Regulation & Policy (3)

This course introduces students to the general field of energy law. It begins with an overview of the global energy situation in terms of supply and demand as well as balanced projections for the coming decades both in the U.S. and abroad. It then will proceed to examine the primary sources of energy along with the multi-faceted role of electricity as the central source of secondary energy in our economy. This portion of the course will offer a survey view of how these energy sources are used and regulated from economic, reliability, and environmental perspectives. This will include an overview of legal and regulatory principles governing fossil fuel extraction and use, the coal industry, nuclear power, a range of renewable energy sources, and finally the regulation of electricity generation, transmission, and distribution. The course will conclude with a brief review of the growing role of conservation and climate change in energy markets here and to some extent abroad

ERGL 6100 Clean Air Law (2)

This course will expand on the materials introduced in the Environmental Law, Regulation and Policy Survey from Term 2 relative to water pollution. The focus of this course will be a comprehensive and detailed examination of the content of the federal Clean Air Act and the role of the federal Environmental Protection Agency in interpreting, applying, and enforcing the terms of this statute. But as there is also a large body of state and local regulation of air pollution, students will also be exposed to the issues addressed by this legislation and their methods of enforcement. Attention will also be given to drafting or amending emissions standards, greenhouse gas regulation, and environmental justice issues.

ERGL 6150 Clean Water Law (2)

This course will cover the role and influence of the legal system on the use, allocation, and steward-ship of water resources in the United States. Since the field of water resources management is rapidly evolving to accommodate storm protection, ecosystem restoration and sea level rise an understanding of the policies that underlay our current laws and the factors that are influencing current policy and lawmaking will be an important part of the course's focus. Students will be required to participate in one group project in which they will be asked to develop, present and defend a position paper on some aspect of the water resources management challenges arising in a coastal region of the United States.

ERGL 6200 Law & Climate Change (2)

This course will examine legal efforts to address climate change, both at the national and international level. It will include detailed examination of the 1992 United Nations Framework Convention on Climate Change and the Kyoto Protocol and the extent to which these policies have been adopted in the U.S. at the national and local levels. Attention will also be given to non-statutory responses in the U.S. to the addressing climate change including judicial decisions that have attempted to mitigate the effects of climate change. Among the specific aspects of climate change that will be examined are coastline impact, auto emissions, greenhouse gas emissions, limitations on fossil fuel development and utilization, and human rights issues including environmental justice. Students will be asked to develop climate change policies and assess the U.S. response to the global impact of climate change.

ERGL 6250 Federal Regulation of Electric Public Utilities (3)

This course provides an overview of the Federal Power Act (FPA) and the agency charged with its implementation, the Federal Energy Regulatory Commission (FERC). Students will learn how "electric public utilities" are defined under the FPA, and which of their activities are regulated by the federal government under the FPA. They will also learn the rules that govern FERC's regulation of various utility activities, from rates and services to mergers and acquisitions. Students will explore the differences between types of public utilities (including independent power providers, regional transmission organizations, and vertically integrated utilities). The course will also address FERC's policymaking procedures and will include a discussion of ongoing public policy initiatives. Please note that the course does not cover the Natural Gas Act (gas pipelines and related facilities) or the Interstate Commerce Act (oil pipelines).

ERGL 6360 Alternative Energy Source (3)

This course will expand on the materials briefly examined in the introductory Energy Law, Regulation and Policy Survey course taught in Term 1. This course will provide a more detailed and comprehensive examination of the legal issues and legal rules and regulations relevant to the development and utilization of alternative energy sources. It will also examine the calculations that business do and should undertake in determining whether or not to invest in these sources. It will also examine the policy issues underlying governmental decision making concerning the encouragement of developing alternative energy sources.

ERGL 6400 Intro Leg Study Rsh & Writing (2)

This foundational course introduces students to sources and functions of law in our society relating to energy law. The course begins with an overview of the American legal system and sources of law and introduces students to statutory interpretation and plain language analysis. In Legal Analysis I, students will learn to read and interpret statutory law and regulations, read and brief cases, and develop basic legal writing and analysis skills. Students will also learn to find and research legal information through multiple short research assignments focusing on energy law issues. Through multiple short writing assignments such as a case brief, an IRAC essay analyzing a statutory issue, and an e-memo interpreting statutory & regulatory law relating to an energy law topic, students learn to apply statutes and regulations to analyze legal issues relating to energy law.

ERGL 6401 Int Leg Study Rsh & Writing II (2)

This course builds on Legal Analysis I to introduce students to the relationship between enacted & administrative law and common law. The course continues instruction on legal research methods in finding and analyzing cases and common law. Students learn to read and synthesize multiple cases and learn analogical and policy-based reasoning. Through multiple short writing assignments, such as an e-memo analyzing a statutory issue in the context of a litigated issue arising out of administrative enforcement action, students learn to apply statutes, regulations, administrative materials, and case law to analyze complex legal issues relating to energy law.

ERGL 6500 Natural Resources Law (3)

This course will expand on the materials introduced in the Environmental Law, Regulation and Policy Survey course from Term 2. It will begin by examining the definition of natural resources and then examine such issues as alternative methods of conservation, preservation, the public trust doctrine, relative merits of private ownership versus governmental regulation of common areas, fragmentation, riparianism, threatened species, and bioregionalism. Special attention will be given to the National Environmental Policy Act, the Endangered Species Act, the Forest Service Organic Act, and the property and takings clauses of the U.S. Constitution.

ERGL 6510 Administrative Law (3)

The course explores the history, present status, and nature of administrative agencies. The main emphasis is placed on administrative procedure, contrasting it with the judicial process, as well as constitutional limits on administrative action and the due process rights of persons who are adversely affected by agency action. Topics covered will include delegation of powers, the law of judicial review of agency actions, and procedural requirements of administrative rulemaking and adjudication.

ERGL 6520 Fossil Fuel: Reg & Development (3)

This course will expand on the materials introduced in the Energy Law, Regulation and Policy Survey course taught in Term 1. It will examine the various statutory and administrative regulations of fossil fuel, business concepts relevant to the continued development of fossil fuel sources, as well as other issues arising out of the development and utilization of fossil fuel including environmental impact, human rights concerns, racial injustice considerations, impact on forest ecosystems, alternative methods of obtaining fossil fuels, and the acquisition and retention of permits.

ERGL 6535 Utility Vegetation Management (2)

This course will encourage broad thinking into the nature and purpose of utilities and will overlay this with an understanding of the driving forces behind the protection and enhancement of the natural environment. We will investigate the failures and successes of laws and policies that have influenced the establishment of one of the most ambitious public works projects ever attempted, as well as some of the most significant disasters in American history. In addition to learning the advantages and shortcomings of current and historic law, regulation and policy, students will also learn how to investigate and prepare for a mass tort action and to understand the underpinnings of corporate criminal liability for personal injury, death, property damage and environmental crimes. Students will also cover the basis for safety law, policy and practice in the context of one of America's most lethal professions. The importance of nature, and particularly trees, to society and the economy will also be reviewed, particularly in connection with the disparate impacts on communities of different economic levels (energy justice and environmental justice). The study will include the practical role of administrative proceedings and procedures, including permitting.

Prerequisite(s): EVRL 6000 or ERGL 6000.

ERGL 6990 Capstone Course (3)

This course will require the students to draw upon the knowledge and skills learned in the previously taken courses by applying that knowledge and technique to four separate projects. Three of these projects will require the student to prepare a detailed paper consisting of a position statement in response to energy law-based administrative enforcement inquiry, documentation relevant to participation in a mediation or arbitration of an energy law-based dispute, a business plan for the development of an alternative energy source. Two of these projects will be done on an individual basis. The third will be a collaborative effort by members of a team assigned by the instructor. The fourth project will consist of participation in the negotiation of, and subsequent drafting of, a contract between commercial entities in the energy industry.

ERGL 9000 Immersion Weekend (0)

All students enrolled in the online MJ program must attend one EIW to be eligible to receive the Masters degree. Students are welcome to attend more than the one EIW session. Each session is composed of two days of academic and other programming at the Law School during the summer. The EIW is designed to (a) supplement the online curriculum by involving students and faculty in discussion of new developments and unique other issues not addressed in the online curriculum; (2) provide students with networking opportunities by meeting their peers; (3) provide students and faculty opportunities to meet face-to-face; and (4) provide a tangible link between the students and the law school to promote their continued relationship to the school. The course is not offered for credit but attendance is required for program completion.