

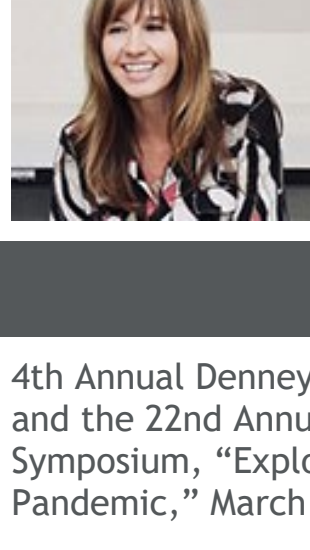
EENR Newsletter

EENR's 15 YEAR ANNIVERSARY 2007 - 2022

15 years ago, in 2007, the Environment, Energy, and Natural Resources (EENR) Center was launched at the University of Houston Law Center. The environment, energy, and resources faculty at the UHLC realized that there was a need to centralize our research, educational programs, connections with other University departments, and academic conferences with an overarching vision. That vision, which still guides us today was, to integrate policy and education between environmental law, energy law, and natural resources law, particularly climate change. As that vision has borne out, humans need affordable energy but must ensure that energy provision avoids environmental harms and climate disaster.

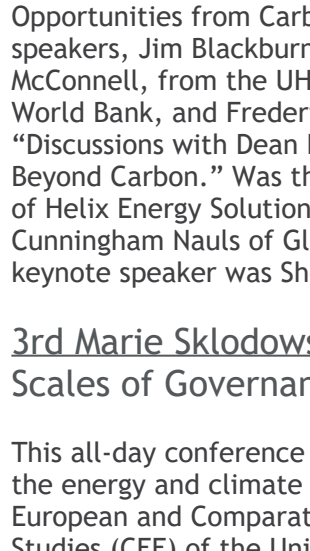
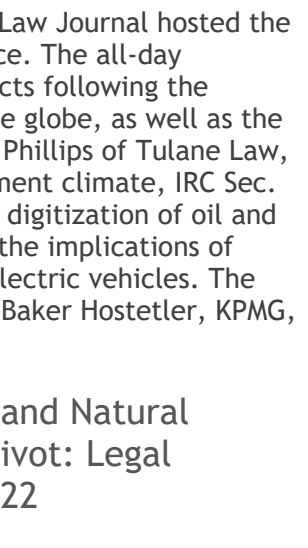
Since that time, the EENR Center has held or participated in over 100 conferences and gatherings, including our annual North American Conference on Environment, Energy, and Natural Resources, and our collaboration with the University of Lyon III, supported by the European Union, on the energy transition. Over 1000 JD and LL.M students have taken courses or been involved with the Center since that time.

To paraphrase pro-environment Houston mayor, Bill White's keynote address at the opening of the center: We are the energy capital and have the most sophisticated environmental legal bar in the country. We need to lead the way for strong environmental and climate protection in the provision of energy. Welcome to our 15th year!



Victor Flatt was appointed the 2022-2023 Ethics Advisor for the American Bar Association (ABA) Section of Environment, Energy and Resources (SEER) beginning on August 6, 2022. Professor Flatt, the author of "Disclosing the Danger: Attorney Ethics Rules Meet Climate Change," an important 2021 article on the potential impacts that attorney ethics rules on attorneys that represent large GHG emitters, will serve as general advisor on any ethical concerns related to the SEER's areas.

Tracy Hester will attend the United Nations climate conference in Sharm-El-Sheik, Egypt, in November 2022. He will serve as an observer delegate on behalf of the American Bar Association (along with Prof. John Dernbach from Widener University). Hester will moderate an event at the official Blue Zone to highlight the role of lawyers in combatting climate change. He also helped organize an off-site workshop co-hosted by the American Bar Association with the national bar associations from nearly 20 other nations. This first-time workshop will explore the best approaches for lawyers to respond to climate change while advising clients and meeting their professional duties.



Gina S. Warren received the 2022 Elizabeth D. Rockwell Faculty Fellow Award for her work in energy and environmental justice. The Elizabeth D. Rockwell Center on Ethics and Leadership at the UH Hubby School of Public Affairs provides funding annually for two UH faculty members to pursue research on ethics and/or leadership. This achievement provides Warren with course relief in the Spring 2023 to conduct research on achieving equity in social and economic participation in the energy system.

Conference Highlights

4th Annual Denney L. Wright International Energy Tax Conference and the 22nd Annual Houston Business and Tax Law Journal Symposium, "Exploring the International Energy Investments Post Pandemic," March 26, 2022

EENR faculty, Denney Wright and the Houston Business and Tax Law Journal hosted the 4th Annual Denney L. Wright International Energy Tax Conference. The all-day conference addressed investments in international energy projects following the pandemic. Twenty-six scholars and practitioners from around the globe, as well as the AIEN (formerly AIPP) student writing competition winner, Henry Phillips of Tulane Law, discussed topics such as Mexico's current tax and energy investment climate, IRC Sec. 45Q and carbon capture investments in the energy industry, the digitization of oil and gas, Brazil's energy industry, changing energy business models, the implications of Russia's Ukrainian invasion, and tax incentives to transition to electric vehicles. The conference was sponsored by Exxon Mobil, Skadden, Bracewell, Baker Hostetler, KPMG, White & Case, and Holland & Knight.

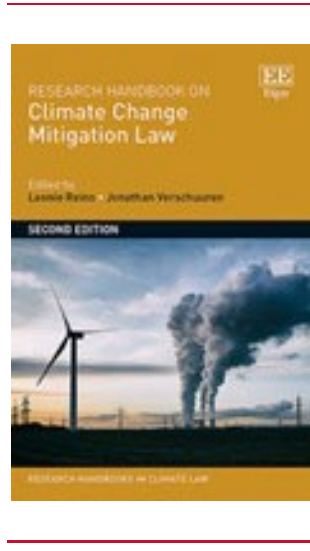
6th Annual North American Environment, Energy, and Natural Resources Conference, "Staying Balanced in the Pivot: Legal Challenges of the Carbon Transition," April 28, 2022

EENR's 6th Annual North American Environment, Energy and Natural Resources Conference began with a presentation and discussion with Joseph McMonigle, Secretary General, International Energy Forum, who discussed "The International Perspective on the Carbon Pivot." This was followed by the first panel of the day, entitled "Emerging Opportunities from Carbon Management and Avoiding Transition Turmoil," featuring speakers, Jim Blackburn from Rice University, Gulf Coast Carbon Exchange, Chuck McConnell, from the UH Center for Carbon Management in Energy, Tom Kerr from the World Bank, and Frederick Lowther, from Blank Rome, LLP. The second panel, "Discussions with Dean Leonard Baynes: Legal Needs for Energy Companies Moving Beyond Carbon." Was the annual corporate general counsel panel featuring Ken Neikirk of Helix Energy Solutions, Kay McCall of Renewable Energy Alliance Houston, Deonne Cunningham Naults of SheilaPath Power Solutions, and Janet Carrig of ConocoPhillips. The keynote speaker was Gilda Hollis, Executive Director, U.S. Energy Association.

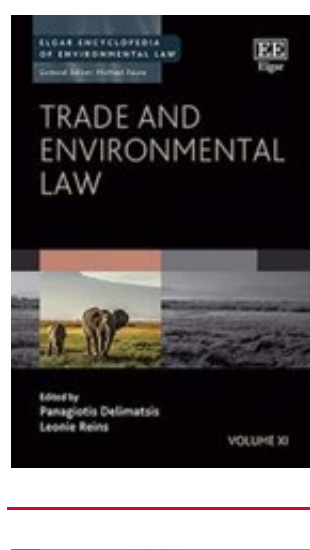
3rd Marie Skłodowska-Curie Conference on Energy Transition, "The Scales of Governance of the Energy Transition," May 13, 2022

This all-day conference focused international, regional or national legal frameworks for the energy and climate transition. The international colloquium was organized by the European and Comparative International Law Team (EDIEC) and the Centre for European Studies (CEE) of the Université Jean Moulin Lyon 3, under the scientific direction of Professor Bernadette Le Baut-Ferrarese and Dr. Aubin Nzau-Kongo. Speakers included academics, professionals, and members of public administrations or non-state actors who presented on the respective roles of actors in the governance and implementation of the energy transition.

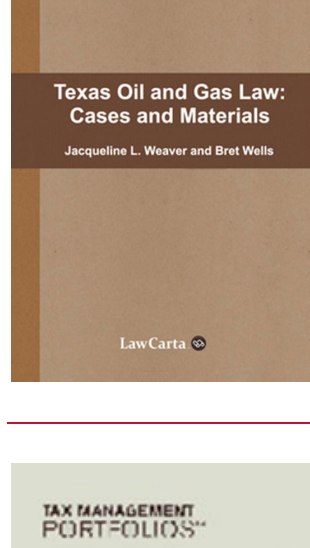
Book Highlights



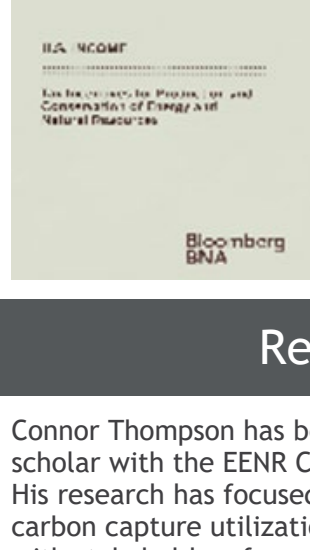
Julian Cardenas, Colombia - PSA Principles in Oil Contracts in Production Sharing Agreements: A Global Legal Handbook (Globe Law and Business, Editor Flavio G I Inocencio, London, 2021).



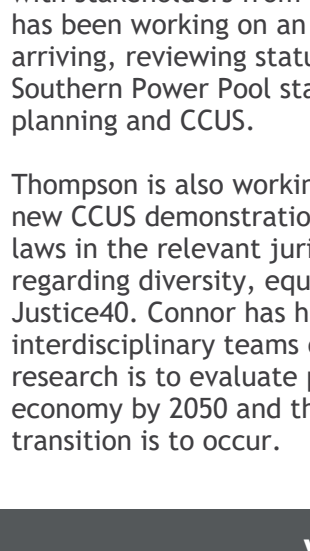
Victor B. Flatt & Inara Scott, Smart Regulation to Enhance Wealth Creation & Sustainable Capitalism, in Sustainable Capitalism: A Contradiction in Terms or Essential Work for the Anthropocene? (Inara Scott ed., forthcoming 2023).



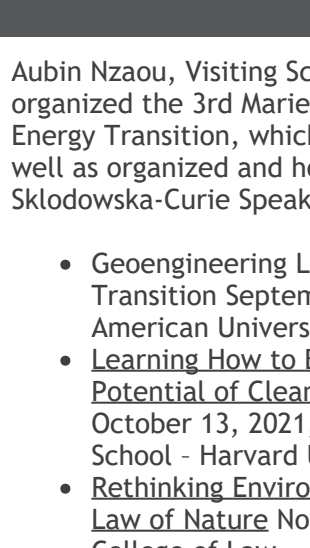
Tracy Hester & Kirsten Williams, The Law of Greenhouse Gas Removal in Research Handbook on Climate Change Mitigation Law (Leonie Reins & Johnathan Verschuren eds.) (2022)



Elizabeth Trujillo, Climate Change Adjudication in Trade-Driven Tribunals in Encyclopedia of Environmental Law, Trade and Environmental Law (Elgar 2021).



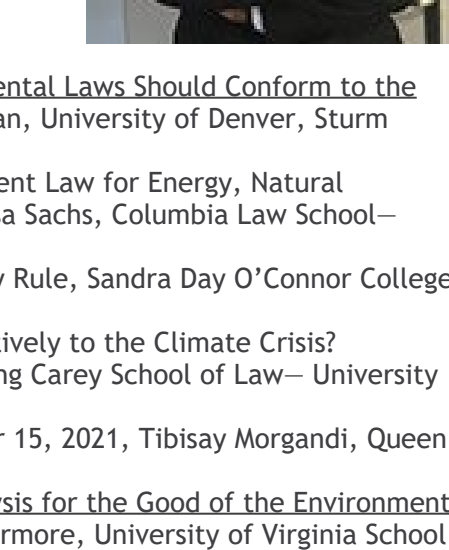
Jacqueline L. Weaver and Bret Wells, Texas Oil and Gas Law: Cases and Materials (2021).



Denney L. Wright, Tax Incentives for Production and Conservation of Energy and Natural Resources, Tax Management Portfolios 512-2 (2021 update).

Research Scholar Happenings

Connor Thompson has been serving as a research scholar with the EENR Center since January 2022. His research has focused on advancement of carbon capture utilization and storage ("CCUS") with stakeholders from across the University. He has been working on an ongoing project since arriving, reviewing statutes and regulations in all Southern Power Pool states regarding utility planning and CCUS.



Thompson is also working with a team at the University seeking federal funding for a new CCUS demonstration project. He is working with that team to evaluate pore space laws in the relevant jurisdiction and ensuring the project meets federal mandates regarding diversity, equity, accessibility, and inclusion as well as the requirements of Justice40. Connor has had the privilege of spending the last six months leading interdisciplinary teams of student researchers from across campus. The goal of the research is to evaluate pathways Texas might take in becoming a net zero carbon economy by 2050 and the roles that the electric grid and CCUS will play if that transition is to occur.

Visiting Scholar Spotlight

Aubin Nzau, Visiting Scholar - Professor Nzau organized the 3rd Marie Skłodowska-Curie Conference on Energy Transition, which was held on May 13, 2022, as well as organized and hosted the robust Marie Skłodowska-Curie Speaker Series as follows:



- Geoengineering Law and Energy Transition September 23, 2021, Will Burns, American University / Northwestern University
- Learning How to Build Back Better: The Role and Potential of Clean Energy Policy Evaluation October 13, 2021, Joe Aldy, Harvard Kennedy School - Harvard University
- Rethinking Environmental Law: Why Environmental Laws Should Conform to the Law of Nature November 10, 2021, Joe T. Juhon, University of Denver, Sturm College of Law.
- Role and Implications of International Investment Law for Energy, Natural Resources and Climate November 22, 2021, Lisa Sachs, Columbia Law School - Columbia University
- Utility Mission Creep December 1st, 2021, Troy Rule, Sandra Day O'Connor College of Law - Arizona State University
- Are Democracies Capable of Responding Effectively to the Climate Crisis? December 8, 2021, Robert Percival, Francis King Carey School of Law - University of Maryland
- Energy Security in International Law December 15, 2021, Tibisay Morgandi, Queen Mary University of London School of Law
- Reviving Rationality: Saving Cost-Benefit Analysis for the Good of the Environment and Our Law January 20, 2022, Michael Livermore, University of Virginia School of Law
- Governing Climate Change and Marine Biodiversity Loss: Can We Walk and Chew Gum at the Same Time? February 17, 2022, Cymie R. Payne, Rutgers University
- The Right to a Healthy Environment March 17, 2022, Daniel Magraw, Johns Hopkins University
- Governance by Contract: The Growth of Environmental Supply Chain Contracting March 22, 2022, Michael Vandenberg, Vanderbilt University School of Law
- Grid Governance in the Energy Trilemma Era: Remediating the Democracy Deficit (April 5, 2022) Daniel Walters, Penn State Law.
- Forgotten Waters (April 14, 2022), Michele Okoh, Duke Law
- Can a Right to a Healthy Environment Deliver Climate Justice? (May 5, 2022) Smita Narula, Elisabeth Haub School of Law, Pace University
- The Pursuit of Environmental Justice (May 19, 2022) Deepa Badrinarayana, Chapman University
- The US Struggle to Establish a Comprehensive Legal Framework to Address Climate Change (June 2, 2022) Katrina Wyman, New York School of Law
- Litigating EPA Rules: A Fifty-Year Retrospective of Environmental Rulemaking in the Courts (June 9, 2022) Cary Coglianese, University of Pennsylvania
- Environmental Law: Lessons From the U.S. Experience (June 23, 2022) E. Donald Elliott, Yale Law School

Faculty Publications



Darren Bush, Leonard B. Rosenberg College Professor of Law

Darren Bush & Harry First, [The U.S. Can Take On the Oil Cartel That Enables Putin](#), and Win, N.Y. Times (June 3, 2022).

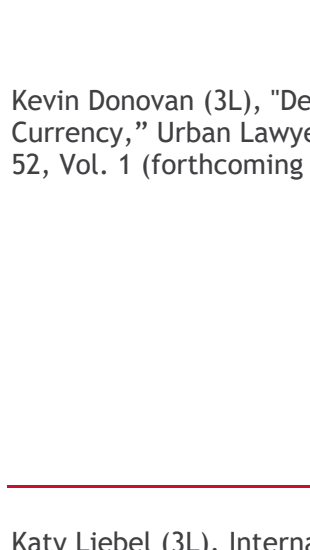
Darren Bush, [What Texas Never Learned From the California Energy Crisis](#), Promarket (Aug. 26, 2022).



Julian Cardenas, Research Professor & Director of the Center for U.S. & Mexican Law

Book Chapter: Colombia - PSA Principles in Oil Contracts. In the book "Production Sharing Agreements: A Global Legal Handbook". Globe Law and Business, Editor Flavio G I Inocencio, London, 2021.

Book Review: Cardenas, Julian. International Arbitration in Latin America: Energy and Natural Resources Disputes. Institute for Transnational Arbitration, 2021.



Victor B. Flatt, Dwight Olds Chair in Law, Co-Director, EENR and Burke Environmental Law Center Distinguished Visiting Scholar and Professor at Case Western Reserve University Law School (2022-23)

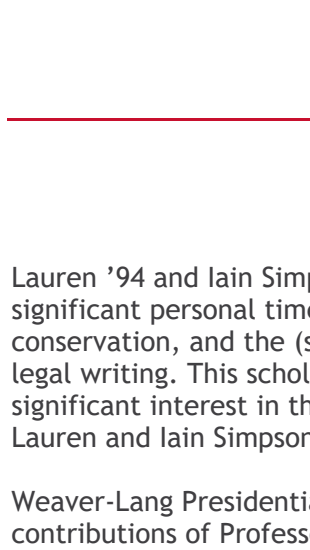
Victor Flatt & Michael Pappas, Climate Changes Property: Disaster, Decommodification, and Retreat, 82 Ohio State L.J. 321 (2021).

Victor Flatt, Holding Polluters Accountable in Times of Climate and COVID Risk: The Problems with "Emergency" Enforcement Orders, 12 San Diego J. of Climate & Energy L. 1 (2021).

David A. Keiser, Sheila M. Olmstead, Kevin J. Boyle, Victor B. Flatt, Bonnie L. Keeler, Daniel J. Phaneuf, Joseph S. Shapiro, & Jay P. Shimshack, The Evolution of the "Waters of the United States" and the Role of Economics, 16 Rev. Envtl. Econ. & Pol'y (2022).

Victor Flatt's co-authored article "Climate Changes Property: Disaster, Decommodification, and Retreat", 81 Ohio State Law J. 321 (Vol. 3, 2021, with Michael Pappas), was noted as one of the twenty "big idea" articles for 2021, mentioned in the Environmental Law & Policy Annual Review, published by the Environmental Law Institute and Vanderbilt University Law Review.

Victor B. Flatt & Nicholas Bryner, Rotting Under the Bridge - How False Data is Polluting Administrative Rulemaking, 48 Colum. J. Env't L. (forthcoming 2023).

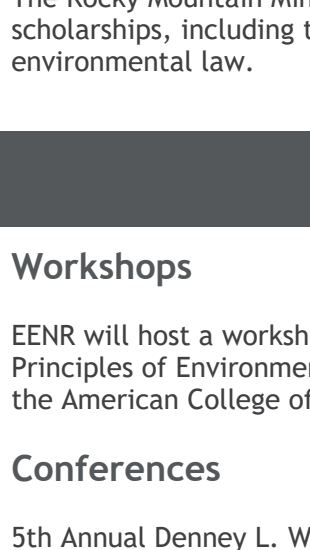


Tracy Hester, Instructional Associate Professor of Law, Co-Director, EENR and founding Co-Director of the Center for Carbon Management in Energy

Tracy Hester, *Privilege by Design: A Proposal to Use Experimental Jurisprudence to Define Environmental Self-Audit Protection*, 72 Syracuse Law Review 1267 (2022).

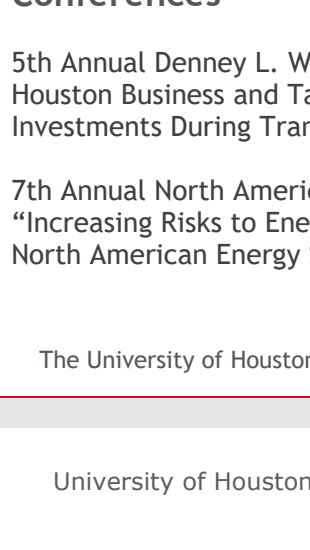
Tracy Hester & Kirsten Williams, The Law of Greenhouse Gas Removal in Research Handbook on Climate Change Mitigation Law (Leonie Reins & Johnathan Verschuren eds.) (2022).

Tracy Hester, Ghost Wolves and Genetic Reliquaries, Am. C. Envtl. Law. Blog (Jan. 22, 2022).



Elizabeth Trujillo, Mary Ann & Lawrence E. Fraust Professor of Law, Initiative on Global Law and Policy for the Americas

Elizabeth Trujillo, Climate Change Adjudication in Trade-Driven Tribunals in Encyclopedia of Environmental Law, Trade and Environmental Law (Elgar 2021).



Gina S. Warren, A.L. O'Quinn Chair in Environmental Studies and Co-Director, EENR

Gina Warren, *Hotboxing the Polar Bear: The Energy and Climate Impacts of Indoor Marijuana Cultivation*, 101 BOSTON UNIVERSITY LAW REVIEW 979 (2021)

Gina Warren & Shreya Patel, *Urban Restorative Environmental Justice Through City Climate Action Plans*, ABA SEER, FALL 2021, VOL. 36, NO. 2 (Dec. 1, 2021).

Bret Wells, Law Foundation Professor of Law

Jacqueline L. Weaver & Bret Wells, Texas Oil and Gas Law: Cases and Materials (2d ed. 2021).

Denney Wright, Professor of Practice

• Denney L. Wright, Tax Incentives for Production and Conservation of Energy and Natural Resources, Tax Management Portfolios 512-2 (2021 update).

Student Corner

Student Spotlight

Kirsten Williams ('22 UHLC graduate and co-author of The Law of Greenhouse Gas Removal in Research Handbook on Climate Change Mitigation Law (Leonie Reins & Johnathan Verschuren eds.) (2022) has secured a federal clerkship with Judge Andrew Edison / U.S. Magistrate Judge for the Southern District of Texas - Galveston Division.

Publications

Kevin Donovan (3L), "Decarbonizing Decentralized Currency," Urban Lawyer, American Bar Association Vol. 52, Vol. 1 (forthcoming fall 2022).

Katy Liebel (3L), *International Oil Companies: Largest Carbon Emitters Turned Low-Carbon Leaders*, 59 Hous. L. Rev. 175 (2021)

Thomas Shattuck (3L.), *Ending the Monuments Men: Should Congress Restrict Presidential Discretion Under the Antiquities Act?*, 59 Hous. L. Rev. 199 (2021)

Shreya Patel, '21 (with Gina S. Warren), *Urban Restorative Environmental Justice Through City Climate Action Plans*, ABA SEER, FALL 2021, VOL. 36, NO. 2 (Dec. 1, 2021).

Scholarships

Lauren '94 and Iain Simpson Conservation Scholarship. Professor Simpson devotes significant personal time to education about pollinators and other insects, their conservation, and the (sub)urban wildscapes supporting them—her passion outside of legal writing. This scholarship is awarded to a current student who has demonstrated significant interest in the conservation of wildlife, or natural areas or both. Donor: Lauren and Iain Simpson; Recipient: Eltazbeh V. Hidatgo.

Weaver-Lang Presidential Fellowship: To recognize the tremendous academic contributions of Professor Jacqueline Lang Weaver, this scholarship is awarded to a student in the LL.M program who has a strong academic record and an interest in energy law. Donor: D.J. Baker '73 and Suzanne Baker '73; Recipients: Carlos Degwitz & Hogan Antia.

Association of International Petroleum Negotiators Scholarship aims to fiscally support students that show potential in fields of international oil and gas negotiations. Recipients: Aaron Cromer & Matthew Regens

American Bar Association Writing Competition Winner

- Uncomfortable Accommodations: Can Oil & Gas Make Room for Solar Power in Texas? (for Energy Law) Thomas Shattuck, University of Houston Law Center

The Rocky Mountain Mineral Law Foundation ("RMMLF") awarded Caroline Drennen two scholarships, including the Mary A. Viviano Scholarship for her passion in energy and environmental law.

Upcoming Events

Workshops

EENR will host a workshop in February 2023 on the possibility of a Restatement or Principles of Environmental Law Project to propose to AAL. The workshop is sponsored by the American College of Environmental Law Foundation.

Conferences

5th Annual Denney L. Wright International Energy Tax Conference and the 22nd Annual Houston Business and Tax Law Journal Symposium, "Exploring International Energy Investments During Transition", March 24, 2023

7th Annual North American Environment, Energy, and Natural Resources Conference, "Increasing Risks to Energy Security: Taking on political, climactic, and criminal risks to North American Energy Supply," April 27, 2023

The University of Houston is a Carnegie-designated Tier One institution and an EEO/AA institution.