

## Current Issues in Energy Law Seminar V550--P710--L763

Revised Dec. 25, 2017

Professor Rob Fischman Spring 2018

Tuesdays and Thursdays at 1:00-2:15, SPEA Room A205

Office hours at Law rm. 276: M & W 2:20-3:20. Available to meet students by arrangement in SPEA grad. lounge T & R 2:15-3:00

This course grapples with interdisciplinary policy perspectives on energy law. Some material will address global issues, but when we dive into details, we will focus on the United States. Topics will include resource extraction/ownership, electricity generation, and incentives to move from one energy source to another, including nuclear, biofuels, wind, and solar. This course is not a survey or comprehensive introduction canvassing the field.

Students will develop skills in leading and facilitating discussion, summarizing complex ideas cogently and concisely, synthesizing relevant research in a variety of formats and communicating with a variety of audiences. This course will use current research in and disputes over energy law and policy to help students sharpen their analytical and writing skills. Students will apply secondary sources from academic journals and advocacy in the popular press to policy and law. Students will lead most class sessions. Students will produce short briefs and editorials. Students will produce a 7500-8000 word research paper due at the end of the semester. There will be no exams.

### **Learning Outcomes/Objectives**

Students will become familiar with

- controversial laws bearing on the transition to renewable energy;
- how policy debates about energy-source transition from fossil fuels to renewable sources could be translated into legal changes; and
- implications of climate-change for energy law.

Students will improve their abilities and comfort with

- critical thinking;
- writing for professional, academic, and public audiences;
- editing writing for structure and clarity;
- identifying major lessons in primary literature;
- synthesizing concepts across disciplines to solve problems related to energy law and policy; and
- leading, facilitating, and participating in group discussions.

## **Grading**

1) Final research paper (7500 - 8000 words, excluding references/footnotes): 60%

Jan 11 – 30: find a time to meet with professor to discuss interests and skills

Jan. 30: research topics due in class sign-up sheet

Feb. 15: Research paper abstracts and bibliographies due

Feb. 27 or Mar. 1: Revised abstracts and bibliographies due

Mar. 22: Draft research papers due

May 4: Final research paper due for V550 & P710 students

May 7: Final research paper due for L763 students

2) Discussion Leader duties (750-1000 words): 15%

Due on schedule tied to class session and grading tasks following.

3) Discussion questions written responses (300-500 words): 5%

4) Op-ed based on research paper (750-1000 words): 10%

Apr. 3 – 17, draft due, depending on presentation

Due before each relevant class session.

May 4: Final op-ed due for V550 & P710 students

May 7: Final op-ed due for L763 students

5) Peer review of student drafts: 5%

Mar. 27 Peer reviews of draft research papers due

6) Research paper presentation (duration and type tbd): 5%

Apr. 3 – 17

7) Class participation (includes attendance, quantity, and quality of discussion contributions): will bump up or down one grade increment (e.g. from a B+ to a B)

## **Reading Material**

All class readings will be posted at or linked from our Canvas web site. For basic data, a useful starting point is the U.S. Energy Information Administration, <https://www.eia.gov/>

## **Class Discussions and additional material**

Class discussions will be based on the readings I program. But students will also take turns preparing additional material for classes and leading discussion. Each student will be responsible for leading one class session.

Prior to class, some fraction (determined after I know the size of the class) of the students will prepare written versions of their answers to discussion questions. The student class leader will read these, comment on them, grade them, and submit comments and grades to the Professor. Deadline for submitted responses to the discussion leader (cc: the professor too) is the start of class. Respondents should focus on just 2 or 3 questions so that they have enough words to say something deep rather than trying to cover everything.

The student discussion leader is responsible for the following 5 tasks. I will model these 5 tasks during the first couple of weeks so that students will have a sense of my expectations before their first leadership class session. The first 3 items should be submitted to the Professor by noon Friday for Tuesday class sessions and by noon Sunday for Thursday class sessions. I will upload the materials to Canvas.

Please format the 1) background and context brief, 2) discussion questions, and 3) additional material with the session topic (e.g. "Mountaintop Removal") and date, and your name in a header. These 3 segments should each start on a different page of a single Word document. If your additional material is a pdf or video, just provide a link. Please paginate your document. Please use the following file name for the document containing (in this order), your discussion questions, background/context brief, and additional material: "topic title from syllabus.18mmdd.name", where *mm* is the month of your discussion day, *dd* is the day of your discussion, and *name* is your last name. Please match the email subject line to the attachments (e.g. Coal Ownership and Rights.180116.Fischman). If you are a leader and think there is a too-long or unnecessary reading item on the schedule, please email me proposing editing it down (which you will do), replacing it, or simply eliminating it.

1. Background and Context Brief. Student leaders may prepare a background document up to 1 single-spaced page in length to prep the class for the readings (check with me if you seem to need more space). Often, background is not needed, but feel free to use this if it's helpful. A short reading or website segment may also be used for background. In some cases, a glossary of concepts or vocabulary may be enough assistance to get the class through the reading without additional support.

2. Prepare Discussion Questions. Student leaders will prepare discussion questions for the entire class. Each class, depending on the class size, between 25-50 percent of the class will prepare written answers to the questions before our class session. Typically we will want 5 or 6 questions that will promote rich discussion. We may use additional simpler questions to lead the class to the more complex questions, but the main questions should involve deep explanation, comparison, links to other material,

approaches to dealing with challenges and complexity. I will also post in Canvas a brief guide to devising discussion questions.

3. Additional Material. Leaders should also contribute some additional information on the topic. Ideally, it will work into the readings discussion questions in some way, so that leaders can bring it up when the discussion comes to the whole class. Additional items may also be used to extend discussion if we run through the discussion questions faster than anticipated. If your readings didn't require much background/context, then put in a bit more time on additional items. If you had to do a lot of work on the background material, then you can back off on the additional. The material relevant to the topic may take us deeper or wider. Case example/applications are often helpful. So are video segments, art, or whatever else seems appropriate. Remember that this is to be a **short** package that will take less than 20 minutes for your classmates to read or watch prior to class.

4. In-Class Leadership. During class, I am happy to take the facilitator role, assigning questions, getting small-group discussion going, and bringing the class back for full-class discussion. Depending on the size of our class, we may routinely have break-out sessions to discuss the questions prepared by the class leader. If so, leaders should circulate through class to facilitate small-group discussion. Once we return to full-class discussion, leaders should jump into the full-class discussion, providing clarification and additional materials at whatever point in discussion is most appropriate. Leaders are also responsible for helping to keep us on time. We have 75 minutes for class--I will be counting on leaders to help watch the time.

5. Evaluating Responses to Discussion Questions. After the class session, the student leader will read the written responses submitted for the discussion questions. Written responses should be roughly 300-500 words. The leader will comment on them, grade them, and submit comments and grades to the Professor by the end of the subsequent Friday for Tuesday classes and by the end of the subsequent Sunday for Thursday classes.

Comment on content, primarily, although you may comment generally about writing. Please assign a grade of 1 to 5 (5 meaning they did everything they should have done) to each response, judging on content unless the writing is bad enough to detract from content. You may use 1 decimal place if you feel you need it (that is, you may use 4.3 but not 4.25). Don't feel shy about using any of the grades. I assign 5s with some regularity, but also occasionally assign 3s.

Please email me all the graded materials as attachments to a single email, each with a file name that shows you have edited them. Please use a meaningful subject line that begins "**Energy Law**". Your grades and comments will only be seen by me. I may borrow some of your comments, and in the event you are very complimentary, I may indicate in my comments that the discussion leader was particularly impressed. But otherwise your work will be invisible to your classmates.

## **Research Papers, Op-eds, and Presentations**

By the start of the semester, I will post a guides for technical writing for the SPEA students. Law students should refer to a book on reserve for this course at the law library front desk: Eugene Volokh, Academic legal writing: law review articles, student notes, seminar papers, and getting on law review. All written work will be evaluated according to the following five criteria:

- 1) Degree of critical thinking and analysis.
- 2) Ability to relate the topic back to course readings and information—Are you answering the question that was asked? Have you covered all of the assigned readings and/or course materials? Is it evident that you read and understood the course materials? Are you able to apply the theories and ideas covered in the readings to other topics?
- 3) Clarity of argument and writing – Are you writing with concrete words and precise statements? Have you eliminated all confusion from your thoughts and writing? Have you expressed your observations and ideas so clearly and concretely that there is no possibility of my misunderstanding them?
- 4) Coherence of argument and writing—Is your argument coherent, well supported with evidence, and logically consistent? Are your statements relevant to the course materials and to your argument?
- 5) Grammar and composition—Correct spelling, grammar, and punctuation.

## **Late work**

Please communicate with me BEFORE the due date if at all possible. I am willing to accommodate emergencies, within reason. Please bear in mind that your extracurricular activities are your responsibility—if you decide to schedule an interview during class time, you are still responsible for handing in assignments on time. Late assignments arriving without explanation will not receive credit.

## **Academic Integrity**

No form of academic dishonesty will be tolerated. This course requires individual integrity and professionalism from all students. If academic dishonesty is proven, you will receive a grade of zero for the work; repeat offense is grounds for failure in the course. A website defining plagiarism, with examples of acceptable and unacceptable ways to give credit for the ideas and words of others, and a separate self-test is available online. You are responsible for understanding the concept of plagiarism and for avoiding it at all times. Plagiarism is not acceptable in group or individual work.

Main plagiarism web site: <http://www.indiana.edu/~istd/>

Self-test: <http://www.indiana.edu/~tedfrick/plagiarism/item1.html>

## **Major disruptions in your life**

Some of you, for whatever reasons, may find yourselves facing more than you can easily handle during the semester. Whatever may have happened, please remember that the Health Services folks have people whose primary job is helping students survive such problems, and your professors are aware that these things can happen. I can be flexible about disruptions, although I will want a justification (without personal details) for doing so. If the disruption continues for any substantial length of time, remember that the university allows us to grant incompletes so that students can complete work when their semesters are interrupted. But bear in mind that you must request an incomplete **before** your grades have gone over the edge, which means communicating in the midst of the chaos. You don't owe me details—just a message that life has become difficult or complex and some idea of what kind of timeframe you think might be involved will help us to help you best.

Incompletes. The grade of Incomplete used on the final grade reports indicates that the work is satisfactory as of the end of the semester but has not been completed. The grade of Incomplete may be given only when the completed portion of a student's work in the course is of passing quality. Instructors may award the grade of Incomplete upon a showing of such hardship to a student as would render it unjust to hold the student to the time limits previously fixed for the completion of his/her work.  
(<http://policies.iu.edu/policies/categories/academic-faculty-students/academic-student-affairs/incompletes.shtml>)

### **General sources of student support**

**Disability Services for Students.** Securing accommodations for a student with disabilities is a responsibility shared by the student, the instructor and the DSS Office. For information about support services or accommodations available to students with disabilities, and for the procedures to be followed by students and instructors:  
<http://studentaffairs.iub.edu/dss/>.

**Counseling and Psychological Services (CAPS).** Dr. Chris Meno ([cmeno@indiana.edu](mailto:cmeno@indiana.edu)) is available to work with SPEA students; other CAPS staff are also available at the Student Health Center. Dr. Meno works specifically with SPEA and has office hours in the building. An after-hours crisis line is at 812-855-5711, option 1.

**Students in Financial Crisis.** The Student Advocates Office can help students work through personal and academic problems as well as financial difficulties and concerns in order to help students progress towards earning a degree. In addition to advising student on appeal and financial issues such as financial aid or tuition, they also have emergency funds for IU students experiencing emergency financial crisis.  
<https://studentaffairs.indiana.edu/student-advocates/>

**Sexual violence.** Title IX and I.U.'s own Sexual Misconduct policy prohibit sexual misconduct. If you are seeking help and would like to speak to someone confidentially, you can make an appointment with:

The Sexual Assault Crisis Service (SACS) at 812-855-8900  
Counseling and Psychological Services (CAPS) at 812-855-5711  
Confidential Victim Advocates (CVA) at 812-856-2469  
IU Health Center at 812-855-4011

For more information about available resources:

<http://stopsexualviolence.iu.edu/help/index.html>

It is also important that you know that federal regulations and University policy require me to promptly convey any information about potential sexual misconduct known to me to our campus' Deputy Title IX Coordinator or IU's Title IX Coordinator. In that event, they will work with a small number of others on campus to ensure that appropriate measures are taken and resources are made available to the student who may have been harmed. Protecting a student's privacy is of utmost concern, and all involved will only share information with those that need to know to ensure the University can respond and assist.