David B. Spence

Curriculum Vitae

Rex G. Baker Chair in Natural Resources Law (Emeritus)
University of Texas School of Law
University of Texas at Austin

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https://law.utexas.edu/faculty/david-b-spence

Employment

1997-present: University of Texas Austin, TX
Fall 2017: Visiting Professor of Law, **Georgetown Univ. Law School**, Washington, DC
Spring 2007: Visiting Professor of Law, **Harvard Law School**, Cambridge, MA
Fall 2001: Visiting Assistant Professor of Law, **Cornell University** Law School, Ithaca, NY.
Fall 1999: Visiting Assistant Professor of Law, **Vanderbilt University** Law School, Nashville, TN.
1995-97: Visiting Assistant Professor/Instructor, Resource Economics and Policy Graduate Program, Nicholas School of the Environment, **Duke University**, Durham, NC.
1984-91: Attorney (environmental and energy regulatory law), **Nixon Hargrave Devans & Doyle** (now Nixon Peabody), Rochester, NY and Washington, DC.
1982-83 Energy Policy and Finance Analyst, **North Carolina Dept. of Administration**, Raleigh, NC., and **North Carolina Alternative Energy Corp**., Research Triangle Park, NC.

Education

Ph.D (1997) , M.A. (1993), **Duke University** Dept. of Political Science, Durham, NC (Certificate in Political Economy)
J.D. (1984), **University of North Carolina** School of Law, Chapel Hill, NC
B.A. (1980), Magna Cum Laude, **Gettysburg College**, Gettysburg, PA, Honoraries: Phi Beta Kappa, Pi Lambda Sigma, Phi Alpha Theta

Research

Books

- *Climate of Contempt: How to Rescue the U.S. Energy Transition from Voter Polarization* (Columbia Univ. Press, 2024)
- *Energy, Economics and the Environment*, Foundation Press (law casebook series)(co-authored with five others)(6th Ed. 2023).
- *Law, Ethics and Corporate Social Responsibility: Theory and Practice* (with Robert Prentice)(custom electronic text)(2013).

Research, cont'd

Edited Volumes/Book Chapters

- Tradeoffs in the American Energy Transition, in Energy and Decarbonisation (Hart Publishing, 2020)
- The Effects of Political Polarization on Administration in the United States, in *Can America Govern Itself?* (Cambridge Univ. Press, 2018)
- Naïve Electricity Markets, in *Energy Markets and Responsive Grids: Modeling, Control and Optimization* 29-57 (Springer, S. Meyn, et al., Eds)(2018)
- Risk, Bias and Federalism Questions in Regulating Shale Gas Development, in *Shale Gas and the Future of Energy: Law and Policy for Sustainability* (Edward Elgar, 2016).
- Electric Power Generation and Climate Change (with Emily Hammond), in *Global Climate Change and U.S. Law* (Michael Gerrard and Jody Freeman, eds.)(2014)
- The Regulation of Coal-Fired Power in the United States, in *Energy Law: U.S. Legal Portrait* (2014).
- Why Does ERCOT Have Only One Regulator (with Darren Bush), in *Electricity Restructuring: The Texas Story*, (L. Lynne Keisling and Andrew Kleit, eds.) (American Enterprise Institute, 2009).
- Using Law to Steer Administrative Agencies, in *The Economics of Administrative Law* (Rose-Ackerman, Ed., 2008).
- The Benefits of Agency Policymaking: Perspectives from Positive Theory, in *Politics, Policy, and Organizations: Frontiers in the Scientific Study of Bureaucracy* (Krause, George A., and Kenneth J. Meier, eds.). Ann Arbor, MI: University of Michigan Press, 2003.
- The Shadow of the Rational Polluter, *Land Use and Environment Law Review* (review issue, 2002).
- The New Political Economy of Regulation: Looking for Positive-Sum Change in a Zero-Sum World. (with Lekha Gopalakrishnan), in *Environmental Contracts: Comparative Approaches to Regulatory Innovation in the United States and Europe* (Orts and Deketelaere, eds., 2001)(Kluwer Academic Publishers).

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Academic Journal Articles

- Naïve Administrative Law: Complexity, Polarization and Climate Policy, ***Yale Journal on Regulation*** 39:964-1011 (2022).
- Regulating Competition, Both the Forest and the Trees, 70 ***Emory L. J. Online*** 13 (2021).
- The New Politics of Energy Market Entry, ***Notre Dame Law Review*** 95:327-396 (2019)
- Empirical evaluation of the stringency and design of renewable portfolio standards, ***Nature Energy*** (w/S. Carley, L. Davies, and D. Zirogiannis)(2018).
- U.S. Climate Policy and the Regional Economics of Electricity Generation, ***Energy Policy,*** 120:268-275 (2018) (w/David Adelman).
- Climate Progress in the Energy Sector: Room for (Cautious) Optimism? (Keynote Address: 2018 Martz Symposium), ***Colorado Natural Resources, Energy & Environmental Law Review*** 29:303-19 (2018).
- Corporate Social Responsibility in the Shale Patch, ***Lewis & Clark Law Review*** 21:387-428 (2017).
- Paradoxes of Decarbonization, ***Brooklyn Law Review***, 82: 447-83 (2017).
- Naïve Energy Markets, ***Notre Dame Law Review***, 92:973-1030 (2017).
- Ideology vs. Interest Group Politics in U.S. Energy Policy, ***North Carolina Law Review*** (with David Adelman), 95:339-411 (2017).
- The Regulatory Contract in the Marketplace, ***Vanderbilt University Law Review*** (with Emily Hammond) 69:141-216 (2016).
- Methodology for Evaluating Existing Infrastructure and Facilitating the Diffusion of PEVs, (with Sergey Reid) ***Energy Policy*** 89:1-10 (2016).
- The Political Economy of Local Vetoes, ***Texas Law Review*** 93: 351-413 (2014).
- Old Statutes, New Problems, ***University of Pennsylvania Law Review,*** (with Jody Freeman), 163: 1-92 (2014)
- Moral Outrage vs. Cool Analysis in the Regulation of Shale Gas Production, ***Fordham Journal of Environmental Law,*** 25:141-90 (2013).
- Federalism, Regulatory Lags, and the Political Economy of Energy Production, ***University of Pennsylvania Law Review***, 161:431-508 (2013).
- Backyard Politics, National Policies: Understanding the Opportunity Costs of Fracking Bans, ***Yale Journal on Regulation Online*** (2013).
- The Transformation of American Energy Regulation and the Problem of Market Power (with Robert Prentice), ***Boston College Law Review***, 53:131-202 (2012).
- Regulation, Climate Change and the Electric Grid, ***San Diego Journal of Climate and Energy Law,*** 3:267-98 (2011-12).
- Regulation, "Republican Moments," and Energy Policy Reform, ***BYU Law Review***, 5:1561-1623 (2011).
- Corporate Social Responsibility in the Oil and Gas Industry, ***Chicago-Kent Law Review,*** 86:59-85 (2011).
- The Political Barriers to a National RPS, ***Connecticut Law Review***, 42:1451-73 (2010).
- Can Law Manage Competitive Energy Markets?, ***Cornell Law Review*** 93: 767-817 (2008).
- Sarbanes-Oxley as Quack Corporate Governance: How Wise is the Received Wisdom (with Robert Prentice), ***Georgetown Law Journal*** 1843-1909 (2007).
- Coal-Fired Power in a Restructured Electricity Market, ***Duke Environmental Law & Policy Forum***, 15:187-220 (2005).

Research / Academic Journal Articles cont'd)

- The Politics of Electricity Restructuring: Theory vs. Practice, ***Wake Forest Law Review.*** 40:417-49 (2005).
- Fair Weather Federalism on the High Court, ***Harvard Environmental Law Review*** 27:71-105(2003).
- The Never Ending Story: The Constitutionality of Superfund.s Retroactive Liability Regime, ***Environmental Law Reporter***. 32:11284-98 (2002).
- A Public Choice Progressivism, Continued, ***Cornell Law Review***. 87:397-448 (2002).
- The Shadow of the Rational Polluter, ***California Law Review***. 89:917-98 (2001).
- Can the Second Generation Learn from the First? Understanding the Politics of Regulatory Reform, ***Capital University Law Review***. 29:205-22 (2001).
- A Public Choice Case for the Administrative State, ***Georgetown Law Journal.*** 89:97-142 (2000)(with Frank Cross).
- Bargaining Theory and Regulatory Reform: The Political Logic of Inefficient Regulation, ***Vanderbilt Law Review***. 53:1-58 (2000)(with Lekha Gopalakrishnan).
- The Law, Economics and Politics of Federal Preemption Jurisprudence, ***California Law Review***. 87:1125-1206 (1999) (with Paula Murray).
- Managing Delegation Ex Ante: Using Law to Steer Administrative Agencies," ***Journal of Legal Studies***. 28:413-59 (1999).
- Agency Discretion and the Dynamics of Procedural Reform, ***Public Administration Review***. 59: 425-42 (1999).
- Imposing Individual Liability as a Legislative Policy Choice: Holmesian 'Intuitions' and Superfund Reform, ***Northwestern University Law Review***. 93:389-452 (1999).
- Administrative Law and Agency Policymaking: Rethinking the Positive Theory of Political Control, ***Yale Journal on Regulation***. 14:407-50 (1997).
- Modeling Away the Delegation Problem, ***Journal of Public Administration Research and Theory***. 7:199-219 (1997).
- The Electoral Connection in the Early Congress, ***American Journal of Political Science***. (with W. Bianco and J. Wilkerson). 40: 145-71 (1996).
- Paradox Lost: Logic, Morality and the Foundations of Environmental Regulation, ***Columbia Journal of Environmental Law.*** 20: 145-82 (1995).

White Papers

- Full Cost of Electricity Study (UT Energy Institute multi-year research study, 2016-17):
  - White Paper (co-author): History and Evolution of the U.S. Electricity Industry (2016)
  - White Paper (co-author): EPA Valuation of the Externalities of Electricity Generation (2016)
  - White Paper (co-author): Energy Subsidies and Electricity Prices (2017)

Teaching

Teaching Interests:

- Energy Regulation
- Business-Government Relations
- Ethics and Corporate Social Responsibility
- Environmental Law
- Administrative Law
- Law and Economics
- Public Choice and Public Law
- Legislation
- Business Law

Teaching Experience

University of Texas School of Law (2011-present)

- Regulating Energy Markets
- Managing the Clean Energy Transition
- Regulating Energy Production
- Networks, Platforms & Public Utilities

University of Texas McCombs School of Business (1997-present):

- Energy Law
- Law, Ethics and Corporate Social Responsibility
- Environmental Law
- Business, Government & Public Policy
- Business Law

Visiting Teaching

- **Georgetown University Law Center:** Energy Law (2017)
- **University of California at Santa Barbara, Bren School of the Environment:** various Energy Law & Policy short courses, 2005-present.
- **Harvard Law School**: Energy Law, Environmental Enforcement (2007)
- **Cornell University Law School:** Administrative Law, Environmental Law (2001)
- **Vanderbilt University Law School:** Environmental Law, Adv. Env. Law (1999)
- **Duke University Nicholas School of the Environment:** Environmental Policy, Constitutional Limits on Environmental Regulation, Hazardous Waste Policy, Environmental Policy and the Courts (1995-97)

Executive Education

- **University of Texas online programs**: Managing the Energy Transition, Executive Program for Energy Leaders
- **Environmental Law Institute, Climate Judicial Project**: Energy Permitting
- Managing External Stakeholder Relationships: **Petrobras, Sinopec, BG Group, Ecopetrol,** and **Construction Industry Institute**, 2007-present.
- Managing External Stakeholder Relationships: **Shell Project Academy**, 2006-2016.
- Corporate Citizenship and Government Relations: **Integrated Influencing Skills Program**, and **Advanced Influencing Skills Program**, ExxonMobil, 2009-2020.
- Energy Restructuring, **E.ON Finance Academy**, Dusseldorf, Germany, 2004
- European Environmental Law, **IMADEC University**, July 2004
- Business Law: **El Instituto Tecnológico y de Estudios Superiores de Monterrey**, Mexico City, **Spring 2001-2007.**

Other: Created/manage online teaching resources: (1) **EnergyTradeoffs.com**, & (2) C**limateOfContempt.com**

Awards/Recognition

- Hamilton Book Award, *Climate of Contempt: How to Rescue the U.S. Energy Transition from Voter Partisanship* 2025
- McCombs School MBA Teaching Honor Roll, 2002, 2003, 2008, 2011.
- CIBER Award for best "internationalized" course, Energy Law
- 2011-12 Fawn and Vijay Mahajan Teaching Excellence Award for Executive Education
- Winner, 2001-02 University of Texas at Austin, CBA Foundation Research Excellence Award for Assistant Professors.
- Article (The Shadow of the Rational Polluter. *California Law Review*. 89:917-98) named one of top 10 articles in the field of land use and the environment, 2001, by *Land Use and Environment Law Review*.
- Article (Imposing Individual Liability as a Legislative Policy Choice: Holmesian 'Intuitions' and Superfund Reform." *Northwestern University Law Review.* 93:389-452) named one of the top 30 articles in the field of land use and the environment, 1998-99, by *Land Use and Environment Law Review*.

Other Professional Activities

Invited/ Conference Paper Presentations

- Panelist, The Role of Natural Gas in the Energy Future, Can Abundance Be Sustainable?, UCLA School of Law, April 3, 2026
- Offshore Wind Licensing: Recent Developments, Winds of Change Conference, University of Texas School of Law, March 26, 2026
- Fireside Chat on Energy Politics, North American Natural Gas Forum, Washington, DC (December 2025)

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- **Book Tour** Presentations (***Climate of Contempt,*** Columbia U. Press), 2024-2025:

2025
UCLA School of Law
University of San Diego School of Law
University of Wisconsin
University of Utah School of Law
Cornell University Harris School of Public Policy
Edinburgh University Sustainability Program (Scotland)

2024
University of Michigan School of Law
Wayne State University
Michigan State Knight School of Journalism
NYU School of Law
Columbia University Climate School
George Washington University
University of Pennsylvania, Kleinman Center
CO2NNECT Conference, Keystone Colorado
Dartmouth University, Irving Center
University of North Carolina School of Law
Duke University Nicholas School of the Environment
Vanderbilt University Law School
University of California-Berkeley Law
Stanford University Doerr School
University of Texas: Energy Syposium & TJOGEL Annual Conference
Case Western Reserve University Law School
Emeritus Conference, (Austin, TX)
Texas A&M Law School

- Complexity and Contempt in the Energy Transition, draft book chapter presented at the Berkeley-Penn Energy Scholars Annual Meeting, Berkeley, CA, May 2023
- Tradeoffs and the Green Energy Transition (Zoom presentations, 2020 & 2021)
    - University of Pennsylvania Wharton School and Kleinman Center, Fall 2020
    - University of California at Berkeley School of Law
    - University of Texas at Austin Energy Forum
    - Duke University Nicholas Institute and School of Law
    - Columbia University School of Law and Sabin Center for the Environment
- NGOs and the Politics of Siting
    - Florida State University School of Law, Tallahassee, FL, October 30, 2019
    - University of California-Berkeley School of Law, Berkeley, CA, November 2018
    - University of Texas School of Law, April 2018
    - Georgetown University School of Law, November 2017
- Tradeoffs and the Green Energy Transition
    - Vanderbilt University Law School, August 28, 2019
    - University of Hawaii Richardson School of Law, November 8, 2019
- Keynote Address: Martz Spring Symposium and Debate, University of Colorado, Boulder, CO, March 21, 2018
- Distributional Impacts of Electricity Market Regulation, Society for Cost-Benefit Analysis, Washington, DC, March 15, 2018
- Regulation and the Politics of (Energy) Market Entry, Research Colloquium, Georgetown University Law Center, Washington, DC, November 9, 2017
- Keynote Address: Martz Spring Symposium and Debate, University of Colorado, Boulder, CO, March 21, 2018
- Distributional Impacts of Electricity Market Regulation, Society for Cost-Benefit Analysis, Washington, DC, March 15, 2018

Presentations, cont'd

- Regulation and the Politics of (Energy) Market Entry, Research Colloquium, Georgetown University Law Center, Washington, DC, November 9, 2017
- The Distributional Effects of Electricity Regulation, Who Wins and Who Loses: The Distribution of Regulatory Impacts in the United States, University of Pennsylvania Center on Regulation, Philadelphia, PA, Nov. 3, 2017
- Renewable Portfolio Standards and the Importance of Policy Design (with Sanya Carly and Lincoln Davies), to be presented at the Association of Public Policy and Management Fall Research Conference, Chicago, IL, Nov. 2-4, 2017.
- The Effects of Political Polarization on Administration in the United States, Symposium sponsored by the Working Group on Institutions, Social Science Research Council's "Anxieties of Democracy" Project, Princeton University, October 27-28, 2016
- Corporate Social Responsibility in the Shale Patch, Symposium, Lewis & Clark School of Law, Portland, OR, October 7, 2016
- Naïve Energy Markets, IMA Workshop, Control at Large Scales: Energy Markets and Responsive Grids, Minneapolis, MN, May 9, 2016
- The Political Economy of Decarbonizing the Energy Sector
    - University of Texas Law School, Regional Challenges and Opportunities in Energy Transformations, November 17-18, 2016
    - University of Pennsylvania School of Law, Regulatory Affairs Colloquium, March 4, 2016
    - Brooklyn Law School, David G. Trager Public Policy Symposium: The Post-Carbon World, February 18, 2016
- Cost-Benefit Politics in U.S. Energy Policy, Presentations:
    - Northwestern University School of Law Colloquium, March 10, 2016
    - Wharton School of Business, Environmental Law Seminar, March 3, 2016
    - University of Florida School of Law Colloquium, October 29, 2015
    - Public Utility Scholar Collaborative, Washington DC (Georgetown University Law School, November 4, 2015
- EPA's Clean Power Plan: Legal and Policy Issues
    - Renewable Energy Law Conference, Univ. of Texas School of Law, February 9, 2016
    - Capitol Briefing, Austin, TX, January 16, 2016
    - Central Texas Ass'n for Energy Economics and Univ. of Texas Energy Institute, Workshop: April 8, 2015.
- The Regulatory Contract in the Marketplace, UCLA School of Law, Climate Change Seminar, Los Angeles, CA, April 4, 2015
- State-Local Conflict Over Hydraulic Fracturing, Presentations:
    - University of California at Berkeley School of Law, Berkeley, CA, April 1, 2015
    - University of Texas Depts of Petroleum and Chemical Engineering Speaker Series, March 25, 2015
    - University of Calgary School of Law, Calgary, Canada, March 10, 2015
    - University of Colorado School of Law, Boulder, CO, March 2, 2015
    - Annual Meeting of the Louisiana and Midcontinent Oil & Gas Association, New Orleans, LA, January 29, 2015
- The Energy-Environment Nexus, Stegner Symposium, Air Quality; Health, Energy and Economics, University of Utah College of Law, Salt Lake City, UT, March 7, 2015
- Presentations on (i) Smart Grid Regulatory Barriers and (ii) Legal Challenges to State Renewable Portfolio Statutes and Incorporating Renewables, Third Annual Searle Center Conference on Energy Regulation: Legal and Regulatory Issues, Obstacles and Opportunities in Electricity Markets, Northwestern University School of Law, Chicago, IL, November 17-18, 2014
- Emerging Legal and Political Issues in Shale Gas Production, Presentations:

- *Presentations, cont'd*

  - Conference on the Emerging Issues at the Intersection of Energy and Water, LSU School of Law, Baton Rouge, LA, October 3, 2014
  - Conference on Environment and Energy: Comparison of US and EU policies, March 21-22, 2014, Graduate School of Public and International Affairs, University of Pittsburgh, Pittsburgh, PA
  - Keynote Address: American Conference of Trial Lawyers Spring Meeting, Palm Springs, CA, March 6, 2014
  - University of Texas Energy Forum, February 13, 2014, Austin, TX.
- Federalism and Electricity Market Regulation, Searle Center Conference on Environment, Energy and Federalism, Northwestern University School of Law, Chicago, IL, November 17-18, 2013.
- Regulation of Shale Gas Production: Federalism Questions, Marcellus Shale and Sustainability Conference, Widener Law School, Harrisburg, PA, September 27, 2013.
- Shale Gas Regulation: Cool Analysis vs. Moral Outrage
  - University of Pittsburgh School of Law, 2013 Energy Policy Institute, Pittsburgh, PA, August 8, 2013
  - UCLA School of Law, Los Angeles, CA, April 4, 2013
- Federalism, Shale Gas Production, and Regulatory Lags, Paper Presentations:
  - Georgetown University, School of Public Policy, February 13, 2012
  - University of Michigan, School of Business and School of Law, February 1, 2013
  - Searle Center Conference on Regulatory Federalism, Northwestern University School of Law, Chicago, IL, March 1, 2012.
- The Ethics of Fracking, Ethics and Energy Conference, Fordham University Law School, February 22, 2013.
- Keynote Address: The Future of Competitive Electricity Markets, Electric Utility Cost Group Annual Meeting, Austin, TX, April 17, 2012.
- The Electric Grid and Climate Change, paper presentation, University of California at San Diego School of Law, April 15, 2011.
- Environmental Regulation of Hydraulic Fracturing, presentation, Conference on the Legal and Environmental Aspects of Extracting Gas from Shale, University of Texas School of Law, Austin, Texas, October 29, 2010.
- The Politics of Energy Reform, paper presentation, Stanford School of Law, Palo Alto, CA, May 10, 2010.
- The Politics of Biofuels, Conference Presentation, Long Institute for Latin American Studies, Austin, TX October 13, 2009.
- Can Law Manage Competitive Energy Markets, Invited Paper, William Mitchell Law School, St. Paul, MN, April 16, 2009.
- Coal-Fired Electric Generation and Restructuring, Cummings Colloquium on Environmental Policy, Duke University Law School, November, 2004.
- Politics vs. Law in Regulatory Permitting. Midwest Political Science Association Annual Meeting, Chicago, IL, April 2004.
- The Rational Polluter Revisited.. Presented at (a) Duke University Law School, November 2003,(b) the Bren School of the Environment, University of California at Santa Barbara, October 2003, and (c) the University of Houston Law Center, January, 2003.
- A Public Choice Progressivism, Continued. Symposium: "Getting Beyond Cynicism: Perspectives on Administrative Law,. Cornell Law School, Ithaca, NY, March 9-10, 2001; Law and Economics Colloquium, Cornell Law School, November 29, 2001.
- A Public Choice Case for the Administrative State. University of San Diego Law School, Law and Economics Colloquium, October 26, 2000.
- *Paper Presentations, cont'd*
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Presentations, con'd

- Can the Second Generation Learn From the First?: Confrontation and Cooperation in Environmental Regulation," Symposium on the Second Generation of Environmental Policy and Law, Capital University Law School, Columbus, OH, April 14, 2000.
- Voluntary Agreements and Environmental Regulation: Barriers to Success in the United States. (with Lekha Gopalakrishnan). Presented at the Conference on The Integration of Voluntary Approaches into Existing Legal Systems, Brussels, Belgium, February 24-25, 2000.
- The Benefits of Agency Policymaking: Perspectives from Positive Theory. Presented at the Fifth National Public Management Conference, Texas A&M University, College Station, TX, December 3-4, 1999.
- The New Political Economy of Regulation: Looking for Positive-Sum Change in a Zero-Sum World. Presented at the Wharton Impact Conference on Environmental Contracting, University of Pennsylvania, Philadelphia, PA, September 20-21, 1999.
- Federal Preemption of State Police Power Regulation: Politics and Principles (co-author Paula Murray). Presented at the 1998 Annual Meeting of the Academy of Legal Studies in Business, San Diego, CA, August 19-22, 1998.
- Imposing Liability as a Policy Choice: Holmesian 'Intuitions' and Superfund Reform. Presented at the 1998 Hurst Seminar, Gainesville, FL, February 19-21, 1998.
- Superfund Liability Reform: Why This Issue Won't Just Go Away. Prepared for presentation at the November, 1997 meetings of the Association for Public Policy and Management, Washington, DC.
- Administrative Procedures and Agency Discretion: The Limits of Political Control. Presented at the 1996 fall meetings of the Association for Public Policy and Management, Pittsburgh, PA.
- Testing the Procedural Control Hypothesis: FERC, Hydropower and the Environment. Presented at the August, 1996 meetings of the American Political Science Association, San Francisco, CA and the April, 1996 meetings of the Midwest Political Science Association, Chicago, IL.
- Inter-governmental Conflict in Environmental Law: Federal Preemption of State and Local Environmental Regulation. Presented at the November, 1995 meetings of the Association for Public Policy and Management, Washington, DC.
- Federalism and Environmental Regulation." Presented at the October, 1994 meetings of the Association for Public Policy and Management, Washington, DC.
- Agency Policymaking, Rationality and the Limits of Political Control. Presented at the April, 1994 meetings of the Midwest Political Science Association, Chicago, IL.

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Op-Ed/Blogs

- **My Blog** @ www.ClimateOfContempt.com (weekly posts, 2024-2026)
- Ideological Logrolling and Energy Permitting Reform, ***The Regulatory Review***, August 22, 2024
- Another Fracking Boom to Beget Another Fracking Bust; Or Will It?, ***The Hill***, June 11, 2018
- My All of the Above Energy Vacation, ***Energy Institute Commentary***, June 4, 2018
- Energy Policy's Orphaned Good Idea, ***The Regulatory Review,*** February 27, 2018
- Blockchain and Electricity Trading: In Praise of (Regulatory) Skepticism, ***Climate Law Blog*** (Columbia Law School), February 23, 2018
- Offshore Drilling: Whither State Influence?, ***Energy Institute Commentary*** (Univ. of TX), January 12, 2018
- The Trump Administration is 'Rolling Coal'
    - ***Austin American Statesman***, October 13, 2017
    - ***Corpus Christi Caller-Times,*** October 12, 2017
    - ***Waco Tribune***, October 10, 2017
- How Politics Stand in the Way of Energy Solutions
    - ***Dallas Morning News***, June 29, 2017
    - ***Austin American Statesman***, June 28, 2017
    - ***Houston Chronicle***, July 3, 2017
- What Does 100 Percent Renewable Mean?
    - ***San Antonio Express-News***, July 17, 2017
    - ***East Bay Times***, July 11, 2017
    - ***San Jose Mercury News,*** July 12, 2017
    - ***Psychology Today Research Lab,*** July 10, 2017
- Trump vs. the Administrative State, ***Washington Post***, March 16, 2017
- Another Take on the Tillerson Nomination, **Legal Planet**, January 9, 2017
- Why President-Elect Trump Could Disappoint Coal Miners Counting on Him, ***Fortune***, November 14, 2016
- Electricity, Fossil Fuels and the Trump Administration, **KBH Energy Center Blog,** November 10, 2016
- Supreme Court Review: *FERC v. EPSA* and *Hughes v. Talen Energy Marketing*, **RegBlog**, July 11, 2016
- Electricity Markets' $64,000 Question, **KBH Energy Center Blog**, July 1, 2016
- In Energy Politics, Simple Wins, But Simple is Usually Wrong, ***Huffington Post***, April 14, 2016
- Some of the Parties to the Clean Power Plan Litigation are Defying Expectations, **KBH Energy Center Blog**, April 4, 2016
- Why Some Electricity Markets Will Struggle with Decarbonization, **Legal Planet**, March 22, 2016
- Court Ruling Against EPA Hurts Texans, Natural Gas Producers (with David Adelman)
    - ***Austin American-Statesman,*** February 14, 2016
    - ***Corpus Christi Caller-Times,*** February 14, 2016
    - ***Dallas Morning News***, February 12, 2016
    - ***Fort Worth Star Telegram***, February 12, 2016
    - ***Waco Tribune***, February 12, 2016
- Why America's Power Grid Needs Natural Gas Now More Than Ever (with Ross Baldick), ***Fortune***, September 27, 2015
- EPA's Clean Power Plan: Let the Litigation Games Begin:
    - ***Huffington Post,*** August 14, 2014
    - ***Rivard Report***, August 7, 2015
    - ***FortWorth Star-Telegram***, August 9, 2015
    - ***McAllen (TX) Monitor***, August 9, 2015
    - ***San Antonio Express-News***, August 15, 2015

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(Prof. Activities/Op-Ed Publications, cont'd)

- Fracking Pits State vs. Locals, ***Houston Chronicle***, May 5, 2014
- U.S. an Oil and Gas Exporter? Not as Crazy as it Sounds, ***San Antonio Express-News***, May 2, 2014 (with Fred Beach)
- Agencies, Not Courts, Should Steer Energy Policy Updates, ***Texas Enterprise***, February 26, 2014.
- The Administration Goes It Alone on Energy Policy, **UT Energy Center Blog**, February 25, 2014.
- Psychological and Cultural Biases Distort Fracking Debates, **UT Law Grid Commentary**, March 1, 2013.
- LNG Exports—A Good Idea?, **UT Law Grid Commentary**, January 23, 2013.
- Conflict Over Hydraulic Fracturing: Politics vs. Policy, **UT Law Grid Commentary**, December 12, 2012.
- Before You Blame EPA for Texas' Electricity Supply Problems, Consider This, **McCombs Energy Management and Innovation Center Energy Brief**, May 30, 2012.
- Is It Time for Federal Regulation of Shale Gas Production, McCombs **EMIC Energy Brief**, April 19, 2012
- How (and Why) Republicans Killed the Keystone Pipeline, U.T. **Energy Institute Commentary**, February 6, 2012.
- The Politics of National Energy Policy Reform, **EMIC Energy Brief**, December 17, 2010
- Fracking Regulations: Is Federal Hydraulic Fracturing Regulation Around the Corner?, **EMIC Energy Brief**, September 22, 2010
- Op-Ed, Energy, Risk and Coal, ***Houston Chronicle***, August 21, 2011.
- The Strange Politics of the Bailout, ***McCombs Today***, January 27, 2009.
- Op-Ed: Two White Houses; Two Energy Policies. ***Fort Worth Star-Telegram*** (April 20, 2002).
- Op-Ed: Real or fictional, can't ignore 'ideological middle'. ***Houston Chronicle*** (April 8, 2002).
- Op-Ed: Two White Houses; Two Energy Policies. ***Dallas Morning News*** (April 7, 2002).
- Contributor, ***Guide to Sustainable Development and Environmental Policy***, Duke University Press (2001).
- Op-Ed: Will Bush Heed Jeffords. Warning on Green Policies? ***San Francisco Chronicle*** (June 7, 2001).
- Op-Ed: The Jeffords Effect on the Environment. ***Austin American Statesman*** (June 2, 2001).
- Op-Ed: Will Bush Use Jeffords as Gauge for Energy Plan? ***Houston Chronicle*** (May 29, 2001).
- Op-Ed: Little Room for Gray When Talking Green. ***Houston Chronicle*** (May 4, 2001).

- Op-Ed: Bush Must Aim for the Environmental Center. ***Dallas Morning News*** (March 12, 2001).
- Using the Internet in Environmental Law Instruction, ***Business and Environment*** (Newsletter of the Section on Business and the Environment), Academy of Legal Studies in Business (1998).
- Contributing Editor, ***New York Environmental Law Handbook.*** Government Institutes, 1990.
- SARA Title III: Pitfalls and Practicalities, ***Journal of the Air Pollution Control Association***. 39: 29-33 (1989) (with M. Levin).
- New SEQR Regulations: Fine-tuning the Process, ***Westchester Bar Journal.*** 14:373-86 (1987).

Referee, peer-reviewed journals:

Journal of Law, Economics & Organization
American Journal of Political Science
Public Administration Review
Cambridge University Press
Journal of Empirical Legal Studies
California Law Review
MIT Press
University of California Press
Journal of Public Administration Research & Theory
Energy Policy
Yale Law Journal
Harvard Law Review
Stanford Law Review
Nature Energy

Service – University

- Hamilton Book Award Selection Committee, 2026-2027
- Various Ph.D and Masters project student committees, 1997-present (LBJ School, Jackson School, Communications School, McCombs School)
- Ethics Unwrapped Advisory Committee, McCombs School, 2011-present
- Various Law School Committees (Colloquia, P&T, Recruitment), 2018-present.
- Co-Director for Regulation and Policy, Energy Management & Information Center, McCombs School of Business, 2009-2015.
- Member, Graduate Studies Committee, Energy & Earth Resources Program, Jackson School of Geoscience, 2011-present
- Faculty Advisor, Energy & Earth Resources Graduate Student Group, Jackson School of Geoscience, 2011-present
- Faculty Advisor, Texas Journal of Oil, Gas & Energy Law, UT School of Law, 2005-present
- Chair, Teaching Awards Committee, McCombs School, 2017
- Member. Research Support Committee, McCombs School, 2015-2017
- Member, Faculty Recruitment Committee, Business Government and Society Department, McCombs School, 2000-2019
- Member, MBA Programs Committee, 2010-2017
- University Committee to develop new Bachelor of Arts in Sustainability Studies undergraduate degree program, 2012-2016.
- University of Texas Representative, Board of Directors, The Washington Campus, 2008-2017.
- Faculty Advisor, UT Net Impact organization, 2003-2010
- Board of Advisors, Deloitte Business Ethics Program, McCombs School, 2011-12.
- MBA Working Professionals Curriculum Review Committee, 2012-2016
- Faculty Advisor, Business, Industry & Government, McCombs MBA student organization, 2010-2012
- Member, Dean's Advisory Committee on Compensation, McCombs School, 2012
- BGS Department P&T review committees, McCombs School, 2001-present.
- Univ. of Texas Faculty Council Member, 2002-2004.
- Univ. of Texas Faculty Grievance Hearing Officer, 1997-2005.
- Blackstock-McGinnis Scholarship Committee (1998-2005).

Service – Community & Other

- Environmental Law Institute, Judicial Climate Project (2026-present)
- Advisory Board, Bipartisan Leadership, Project Energy for Americans (2026-present)
- Board of Directors, Austin Montessori School, 2016-2023 (president 2020-2023), 2025-present
- Technical Review Committee, U.S. Dept. of Energy National Transmission Study, 2022-24
- Technical Advisory Committee – UCLA Sustainable Los Angeles Grand Challenge, 2015-16
- Peer Reviewer, University of Michigan Graham Center on Sustainability, Hydraulic Fracturing in Michigan: Integrated Assessment, 2014-15
- Board of Directors, North Austin Soccer Association, 2002-06
- Board of Directors, Northwest Austin Youth Basketball Association, 2004-07
- Board of Directors, Genesee Land Trust, Rochester, NY 1990-91
- Board of Directors, Flower City Habitat for Humanity, Rochester, NY 1989-91