

## LINCOLN L. DAVIES

University of Utah • S.J. Quinney College of Law  
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### **ACADEMIC APPOINTMENTS**

**S.J. Quinney College of Law, University of Utah**, Salt Lake City, Utah

*Associate Dean for Academic Affairs*, since 2014

*Associate Dean for Faculty Research and Development (interim)*, 2016

*Hugh B. Brown Presidential Endowed Chair in Law*, since 2016

*James I. Farr Presidential Endowed Chair in Law*, 2015-2016

*Presidential Scholar*, 2014-2017

*Professor of Law*, since 2012

*Associate Professor of Law*, 2007-2012

Courses: Administrative Law; Civil Procedure; Energy Law; Environmental Justice; Judicial Process; Law, Religion, and Environmentalism; Introduction to Law

Awards: McCloy Fellow in Environmental Policy, American Council on Germany (2012-13)  
Peter W. Billings Excellence in Teaching Award, University of Utah S.J. Quinney College of Law (May 2011)

Early Career Faculty Award for the University of Utah S.J. Quinney College of Law (May 2010)

Jackie Chiles Law Society Professor of the Year (April 2009)

### **VISITING APPOINTMENTS**

**Seoul National University School of Law**, Seoul, South Korea

*Visiting Professor*, Summer 2017

Course: U.S. Administrative Law

**The University of Sydney Law School**, Sydney, Australia

*Visiting Professor (Faculty Mentorship Scheme)*, Summer 2016

**Kyungpook National University**, Daegu, South Korea

*Visiting Scholar*, Summer 2016

Course: Global Affairs—Energy Policy

### **AREAS OF SCHOLARLY INTEREST**

Energy Law and Policy

Administrative Law

Technology Regulation

Procedure, Courts, and Litigation

## **BOOKS**

ENERGY LAW AND POLICY: CASES AND MATERIALS (West Academic Publishing, 2014)  
(with Alexandra Klass, Hari Osofsky, Elizabeth Wilson, and Joseph Tomain)

ENERGY LAW IN THE UNITED STATES (Wolters Kluwer Law and Business, 2015) (with Joseph Tomain)

*United States of America*, INTERNATIONAL ENCYCLOPAEDIA OF LAWS: ENERGY LAW (Wolters Kluwer, 2015) (with Joseph Tomain)

## **WORKS IN PROGRESS**

*Explaining Energy Law* (with Todd Aagaard)

*Renewable Portfolio Standards, Policy Design, and the Remaking of U.S. Renewable Energy Markets* (with Sanya Carley, David Spence, and Nikolaos Zirotiannis)

*State Renewable Portfolio Standards Twenty Years In: Where Are We Now?* (with Sanya Carley)

*Ghost Rules* (with Amy Wildermuth)

*Energy Amoralty*

## **ARTICLES AND ESSAYS**

*Climate Regulation of the Electricity Industry: A Comparative View from Australia, Great Britain, South Korea, and the United States*, 13 SOUTH CAROLINA JOURNAL OF INTERNATIONAL LAW & BUSINESS 109 (2017) (with Penelope Crossley, Peter Connor, Siwon Park, and Shelby Shaw-Hughes) (invited symposium article)

*Emerging Shadows in National Solar Policy? Nevada's Net Metering Transition in Context*, 30 THE ELECTRICITY JOURNAL 33 (Jan.-Feb. 2017) (with Sanya Carley)

*Making Sense of the Rapidly Evolving Legal Landscape of Solar Energy Support Regimes*, 6 KLRI JOURNAL OF LAW & LEGISLATION 81 (2016) (peer reviewed)

*Incomplete Integration: Water, Drought, and Electricity Planning in the West*, 31 JOURNAL OF ENVIRONMENTAL LAW & LITIGATION 167 (2016) (with Victoria Luman) (invited symposium article)

*The Role of Natural Gas in the Clean Power Plan*, 49 JOHN MARSHALL LAW REVIEW 325 (2016) (with Victoria Luman) (invited symposium article)

*Energy, Consumption, and the Amoralty of Energy Law*, 109 AJIL UNBOUND 147 (2015) (invited essay)

- Fukushima's Shadow*, 48 VANDERBILT JOURNAL OF TRANSNATIONAL LAW 1083 (2015) (with Alexis Jones) (invited symposium article)
- U.S. Renewable Energy Policy in Context*, 15 ENVIRONMENTAL LAW AND POLICY 33 (2015) (peer reviewed)
- Evaluating RPS Policy Design: Metrics, Gaps, Best Practices, and Paths to Innovation*, 4 KLRI JOURNAL OF LAW & LEGISLATION 3 (2014) (peer reviewed)
- Feed-in Tariffs in Turmoil*, 116 WEST VIRGINIA LAW REVIEW 100 (2014) (invited article) (with Kirsten Allen)
- Understanding Barriers to Commercial-Scale Carbon Capture and Sequestration in the United States: An Empirical Assessment*, 59 ENERGY POLICY 745 (2013) (with Kirsten Uchitel and John Ruple) (peer reviewed)
- Tracing U.S. Renewable Energy Policy*, 43 ENVIRONMENTAL LAW REPORTER 10320 (2013) (invited essay)
- Reconciling Renewable Portfolio Standards and Feed-in Tariffs*, 32 UTAH ENVIRONMENTAL LAW REVIEW 311 (2012) (invited symposium article)
- Beyond Fukushima: Disasters, Nuclear Energy, and Energy Law*, 2011 B.Y.U. LAW REVIEW 1937 (invited symposium article)
- State Renewable Portfolio Standards: Is There a "Race" and Is It "To the Top"?*, 3 SAN DIEGO JOURNAL OF CLIMATE & ENERGY LAW 3 (2011-12) (lead article) (invited symposium article)
- Incentivizing Renewable Energy: Assessing Renewable Portfolio Standard and Feed-in Tariff Design and Performance*, 1 KLRI JOURNAL OF LAW & LEGISLATION 39 (2011) (peer reviewed)
- Power Forward: The Argument for a National RPS*, 42 CONNECTICUT LAW REVIEW 1339 (2010) (lead/centerpiece article in commentary issue)
- Standing, On Appeal*, 2010 UNIVERSITY OF ILLINOIS LAW REVIEW 957 (with Amy Wildermuth)
- Alternative Energy and the Energy-Environment Disconnect*, 46 IDAHO LAW REVIEW 473 (2010) (invited symposium article)
- East Going West? The Promise of Assured Water Supply Laws in Modern Real Estate Development*, 43 JOHN MARSHALL LAW REVIEW 319 (2010) (invited symposium article)
- Assessing Assured Water Supply Laws in the Sustainability Context*, 4 GOLDEN GATE UNIVERSITY ENVIRONMENTAL LAW JOURNAL 167 (2010) (invited symposium article)
- Skull Valley Crossroads: Reconciling Native Sovereignty and the Federal Trust*, 68 MARYLAND LAW REVIEW 290 (2009) (lead article)

*Energy Policy Today and Tomorrow—Toward Sustainability?*, 29 JOURNAL OF LAND, RESOURCES, AND ENVIRONMENTAL LAW 71 (2009) (invited symposium essay)

*Just a Big, 'Hot Fuss'? Assessing the Value of Connecting Suburban Sprawl, Land Use, and Water Rights Through Assured Supply Laws*, 34 ECOLOGY LAW QUARTERLY 1271 (2007)

*Lessons for an Endangered Movement: What a Historical Juxtaposition of the Legal Response to Civil Rights and Environmentalism Has to Teach Environmentalists Today*, 31 ENVIRONMENTAL LAW 229 (2001) (lead article)

## **REPORTS**

*Nevada's Net Energy Metering Experience: The Making of a Policy Eclipse?*, Brookings Mountain West Report, The Brookings Institution (November 2016) (with Sanya Carley), <https://ssrn.com/abstract=2882918>

*Regulatory Promotion of Emergent CCS Technology*, Report to the U.S. Department of Energy, National Energy Technology Laboratory, DOE Award Number DE-NT0005015 (January 2014) (with Kirsten Uchitel and David Johnson)

*Renewable Energy Promotion in Germany and the United States: A Comparative Assessment*, Report for the 2012-13 McCloy Fellowship in Environmental Policy (June 2013)

*Toward an Enduring Future: Assessing Renewable Portfolio Standards as Green Growth Policy in the U.S.*, in CLIMATE CHANGE AND GREEN GROWTH: LEGISLATIVE ACHIEVEMENTS AND PROSPECTS, Report of the Korea Legislation Research Institute (January 2013)

*Incentivizing Renewable Energy Deployment: Renewable Portfolio Standards and Feed-in Tariffs*, Report for the Korea Legislation Research Institute (August 2011)

*Carbon Capture and Sequestration: A Regulatory Gap Assessment*, Report to the U.S. Department of Energy, National Energy Technology Laboratory, DOE Award Number DE-NT0005015 (July 2011) (with Kirsten Uchitel, John Ruple, and Heather Tanana)

## **CONFERENCES ORGANIZED**

*PURPA @ 40: Renewable Energy Law and Policy in the United States*, Biannual Academic Conference, Wallace Stegner Center for Land, Resources and the Environment, Salt Lake City, Utah (November 9, 2018)

*Green Infrastructure, Resilient Cities: New Challenges, New Solutions*, Twenty-First Annual Symposium, Wallace Stegner Center for Land, Resources and the Environment, Salt Lake City, Utah (March 31-April 1, 2016) (co-organizer with Robin Craig)

*Air Quality: Health, Energy, and Economics*, Twentieth Annual Symposium, Wallace Stegner Center for Land, Resources and the Environment, Salt Lake City, Utah (March 4-6, 2015)

*Religion, Faith, and the Environment*, Eighteenth Annual Symposium, Wallace Stegner Center for Land, Resources and the Environment, Salt Lake City, Utah (April 11-13, 2013)

*The Future of Energy Law*, S.J. Quinney College of Law, University of Utah, Salt Lake City, Utah (January 21, 2011)

*The Challenge of Sustainability*, Fifteenth Annual Symposium, Wallace Stegner Center for Land, Resources and the Environment, Salt Lake City, Utah (co-organizer with Amy Wildermuth) (March 12-13, 2010)

*Alternative Energy: Seeking Climate Change Solutions*, Thirteenth Annual Symposium, Wallace Stegner Center for Land, Resources and the Environment, Salt Lake City, Utah (co-organizer with Jan Nystrom) (March 7-8, 2008)

### **SELECTED PRESENTATIONS**

Opening Keynote Address, *Energy, Trump, and the Administrative State: U-Turns, Judicial Review, and Speed Bumps Ahead*, 64th Rocky Mountain Mineral Law Foundation Annual Institute, Victoria, Canada (July 19, 2018)

Speaker, *Renewable Portfolio Standards, Policy Design, and the Remaking of U.S. Renewable Energy Markets*, 39th Annual Fall Research Conference – Measurement Matters: Better Data for Better Decisions, Association for Public Policy Analysis & Management, Chicago, Illinois (November 2-4, 2017)

Keynote Speaker, *U.S. Energy Policy Under the Trump Administration*, Australia Institute of Energy, Sydney, New South Wales, Australia (August 7, 2017)

Keynote Speaker, *U.S. Energy Policy Under the Trump Administration*, Australia Institute of Energy, Canberra, ACT, Australia (August 4, 2017)

Speaker, *Rooftop Solar Wars in the US: The Legal Battle Over Net Metering*, Australia National University College of Law, Canberra, ACT, Australia (August 4, 2017)

Keynote Speaker, *U.S. Energy Policy Under the Trump Administration*, Australia Institute of Energy, Melbourne, Victoria, Australia (August 3, 2017)

Keynote Speaker, *U.S. Energy Policy Under the Trump Administration*, Australia Institute of Energy, Adelaide, South Australia (August 2, 2017)

Keynote Speaker, *U.S. Energy Policy Under the Trump Administration*, Australia Institute of Energy, Perth, Western Australia (July 31, 2017)

Panelist, *An RTO Perspective – Reliability and the Challenges with Integrating RE, DG, DERs and NG*, Electricity Dialogue, Searle Center on Law, Regulation, and Economic Growth, Northwestern University Pritzker School of Law, Chicago, Illinois (May 1-2, 2017)

- Presenter, *State Renewable Portfolio Standards After Twenty Years: Where Are We Now?*, Regional Opportunities and Challenges in Energy Transformation, University of Minnesota-University of Texas Energy Law Workshop, Austin, Texas (November 17-18, 2016)
- Speaker, *Regulation, Climate Change, and Electricity*, Navigating Climate Change in a Global Business Environment, South Carolina Journal of International Law & Business 2016 Symposium, University of South Carolina, Columbia, South Carolina (November 10-11, 2016)
- Speaker, *Judicial Review of Agency Decisions – Whither Deference?*, National Association of Administrative Law Judges Annual Conference, Salt Lake City, Utah (September 21, 2016)
- Presenter, *Ghost Rules*, Symposium on Environmental Law in the Administrative State, Center for the Study of the Administrative State, Antonin Scalia Law School, George Mason University, Arlington, Virginia (September 16, 2016)
- Speaker, *The Clean Power Plan: Prospects, Status, and Context*, Ross Parsons Centre of Commercial, Corporate and Taxation Law, Sydney Law School, The University of Sydney, Sydney, Australia (August 10, 2016)
- Speaker, *Enhancing the Impact of Your Scholarship*, Faculty Mentorship Scheme, Sydney Law School, The University of Sydney, Sydney, Australia (August 7, 2016)
- Speaker, *Developing and Managing Collaborative Research Relationships*, Faculty Mentorship Scheme, Sydney Law School, The University of Sydney, Sydney, Australia (August 4, 2016)
- Speaker, *State RPSs Twenty Years In: Where Are We Now?*, Second Annual Sustainability Conference of American Legal Educators, Sandra Day O'Connor College of Law, Arizona State University (May 13, 2016)
- Speaker, *Energy Law as Technology Policy*, 2016 J.B. & Maurice C. Shapiro Environmental Law Symposium, The Electricity Mix of the Future: Environment, Economics, and Governance, The George Washington University Law School, Washington, D.C. (March 10-11, 2016)
- Speaker, *State RPSs Twenty Years In: A Look Beneath the Surface*, 37th Annual Fall Research Conference – The Golden Age of Evidence-Based Policy, Association for Public Policy Analysis & Management, Miami, Florida (November 12-14, 2015)
- Speaker, *The Climate Risk of Drought: Electricity Utilities in the West*, Symposium: Drought in the American West: A Symposium on Law, Policy and Science, University of Oregon School of Law, Eugene, Oregon (September 25, 2015)
- Speaker, *U.S. Renewable Energy Policy in Context*, Symposium: Policy Barriers and Challenges in Renewable Energy, Kangwon National University School of Law, Chuncheon, South Korea (July 10, 2015)
- Speaker, *Understanding U.S. Energy and Environmental Policy*, Otsuma Women's University, Tama, Japan (July 9, 2015)

Speaker, *Energy Law, Federalism, and Climate Change*, Seventeenth Annual Natural Resources Law Teachers Institute, Rocky Mountain Mineral Law Foundation, Salt Lake City, Utah (May 27-29, 2015)

Speaker, *Feed-in Tariffs in Turmoil*, Sustainability Conference of American Legal Educators, Sandra Day O'Connor College of Law, Arizona State University (May 8, 2015)

Speaker, *The Benefits and Costs of Pushing Renewables*, 2015 Austin Electricity Conference, McCombs School of Business, University of Texas, Austin, Texas (April 3-4, 2015)

Speaker, *Fukushima's Shadow*, 2015 Vanderbilt Journal of Transnational Law Symposium – This Is Not a Drill: Confronting Legal Issues in the Wake of International Disasters, Vanderbilt University Law School (February 13, 2015)

Speaker, *Feed-in Tariffs in Turmoil*; Moderator, *Smart Grid Regulatory Barriers*, Third Annual Searle Center Conference on Energy Regulation: Legal and Regulatory Issues, Obstacles and Opportunities in Electricity Markets, Northwestern University School of Law, Chicago, Illinois (November 13-14, 2014)

Speaker, *Feed-in Tariffs in Turmoil*, Annual Meeting of the Association for Law, Property & Society, University of British Columbia, Vancouver, Canada (May 1-3, 2014)

Speaker, *Disentangling Barriers to Clean Energy Development in the United States*, Ohio Energy: Emerging Issues in Law, Finance and Regulation, Law and Capital Markets @ Ohio State, Moritz College of Law, The Ohio State University, Columbus, Ohio (April 9, 2014)

Speaker, *Through the German Lens: Looking Into Our Energy Future*, Annual Meeting of the Utah Associated Municipal Power Systems, Salt Lake City, Utah (December 18, 2013)

Presenter, *Energy Law and the Gospel of Infinity*, University of Colorado Law School and Duke University School of Law Climate Change Law and Policy Works-in-Progress Symposium, Boulder, Colorado (August 7-10, 2013)

Presenter, *Energy Law and the Gospel of (In)efficiency*, University of Washington Junior Environmental Law Scholars Conference, University of Washington School of Law, Seattle, Washington (July 19, 2012)

Presenter, *Energy Law and the Gospel of Efficiency*, New Directions in Environmental and Energy Law, Policy, and Geography, University of Minnesota, Minneapolis, Minnesota (May 5, 2012)

Speaker, *Racing to the "Top"?: Renewable Portfolio Standards*, Natural Resources Law & Policy Workshop Seminar, Stanford Law School, Stanford, California (November 28, 2011)

Speaker, *Electricity Generation: Water Consumption to Produce Energy*, Nineteenth Annual Utah Water Law Conference, Salt Lake City, Utah (October 28, 2011)

Keynote Speaker, Utah Clean Energy, Tenth Anniversary Gala, Salt Lake City, Utah (October 6, 2011)

Speaker, *A “Race to the Top”? The Case of State Renewable Portfolio Standards*, University of San Diego Third Annual Climate and Energy Law Symposium, co-hosted by the Energy Policy Initiatives Center and the San Diego Journal of Climate & Energy Law, San Diego, California (April 15, 2011)

Speaker, *Law, Religion, and Environmentalism*, Utah State Appellate Courts Conference, Salt Lake City, Utah (June 10, 2009)

Speaker, *Nation Building by Going Nuclear? Sovereignty, the Trust, and the Goshute Experience*, Washington College of Law, American University, Conference on Indian Nations and Institution Building, Washington, D.C. (February 16, 2009)

## **PROFESSIONAL SERVICE**

**American Bar Association, Section on Legal Education and Admissions to the Bar**  
*Site Visit Team Member, 2017-18*

**American Bar Association, Section on Environment, Energy, and Resources**  
*Chair, Committee on Energy Infrastructure and Siting, 2011-12, 2012-13 (2013 Phoenix Award)*  
*Co-Vice Chair for Programs, Committee on Energy Infrastructure and Siting, 2013-14, 2014-15*  
*Member, Planning Committee for the 2013 Annual Conference on Environmental Law, 2012-13*

**Utah Interfaith Power & Light**  
*Chair, Board of Directors, 2012-14*  
*Member, Board of Directors, 2011-12*

**Utah State Bar Futures Commission**  
*Member, 2014-15*

**Utah State Bar, Committee on Innovation in Law Practice**  
*Committee Member, 2015-17*

**Utah Supreme Court Advisory Committee on the Rules of Civil Procedure**  
*Committee Member, since 2008*

## **UNIVERSITY SERVICE**

**Senate Faculty Review Standards Committee**  
*Chair, since 2015*  
*Committee Member, 2012-15*

**President’s Energy Team**  
*Member, since 2017*

**Office of the Associate Vice President for Faculty**  
*Special Assistant, 2013*



**Global Change and Sustainability Center**  
*Executive Committee Member, 2012-2014*  
*Affiliated Faculty Member, since 2012*

**SELECTED COLLEGE OF LAW SERVICE**

**ABA Site Visit Committee**  
*Chair, 2015-16; Co-Chair, 2014-15*

**Admissions Committee**  
*Committee Member, 2008-09, 2017-18*

**Career-Line and Adjunct Faculty Review Committee**  
*Chair, 2012-13, 2013-14*  
*Committee Member, since 2014*

**Curriculum Committee**  
*Ex Officio Member, since 2014*

**Faculty Development Committee**  
*Chair, 2015-16*  
*Committee Member, 2009-10, 2010-11, 2012-13, 2013-14, 2015-16*

**Faculty Recruitment Committee**  
*Committee Member, 2008-09, 2009-10*

**Judicial Clerkship Committee**  
*Committee Member, since 2017*

**Library Director Search Committee**  
*Committee Member, 2011-12*

**Retention, Promotion, and Tenure Committee**  
*Chair, 2012-13, 2013-14*

**Pace National Environmental Law Moot Court Competition**  
*Coach, S.J. Quinney College of Law Team, 2010-11, 2011-12, 2013-14 (national finalists; Best Overall Brief Award), 2014-15 (Best Brief Award for appellants)*

**National Energy and Sustainability Moot Court Competition**  
*Coach, S.J. Quinney College of Law Team, 2012-13*

**Student Careers and Professional Development Committee**  
*Committee Member, 2007-08, 2008-09, 2009-10*

**Utah Law Review**  
*Faculty Advisor, since 2013*

## **EDUCATION**

**Stanford Law School**, Stanford, California  
J.D., 2000

Honors: *Stanford Law Review*, Associate Editor (1999-2000), Editor (1998-99)  
*Stanford Environmental Law Journal*, Editor-in-Chief (1999-2000),  
Lead Articles Editor (1998-99), Editor (1997-98)  
First Prize, Olaus & Adolph Murie Award for the Most Thoughtful Written Work in  
the Field of Environmental Law (2000)  
Teaching Assistant to Prof. Margaret Jane Radin, *Legal Issues in Cyberspace* (1999)

**The University of Michigan**, Ann Arbor, Michigan

B.S., *With Honors, With Distinction*, Natural Resources & Environment, 1997

Senior Honors Thesis: *Working Toward a Common Goal? Three Case Studies of Brownfields  
Redevelopment in Environmental Justice Communities*

Honors: Rank in Graduating Class: 1st  
Undergraduate Commencement Speaker, School of Natural Resources & Environment  
SNRE Alumni War Memorial Award for Outstanding Scholarship and Leadership (1997)  
James B. Angell Scholar (1996, 1997)  
The University of Michigan Class Honors (1996, 1997)  
School of Natural Resources & Environment Merit Scholarship (1995, 1996, 1997)

## **LEGAL EXPERIENCE**

**Step toe & Johnson LLP**, Washington, D.C.

*Associate* in the Energy & Natural Resources, Technology, and Litigation Groups  
2000-01, 2002-07

**The Supreme Court of the State of Utah**, Salt Lake City, Utah

*Law Clerk* to Associate Chief Justice Leonard H. Russon, 2001-02

## **BAR ADMISSIONS**

District of Columbia

Utah

Supreme Court of the United States

United States Court of Appeals for the D.C., 1st, 2d, 4th, 6th, 7th, 8th, 9th, and 10th Circuits