

JOSEPH P. TOMAIN

**Dean Emeritus
University of Cincinnati
College of Law
Cincinnati, Ohio 45221
(513) 556-0067**

CURRENT POSITIONS

Dean Emeritus & the Wilbert & Helen Ziegler Professor of Law University of Cincinnati College of Law 2005-present <http://www.law.uc.edu/>.

Chair Emeritus, Board of Trustees, KnowledgeWorks Foundation, 2000-2016. <http://knowledgeworks.org/>.

Member, Literary Club 1994-present.

Life Member, American Law Institute.

Founder and Principal, Justice Institute for the Legal Profession 1996-present.

Scholar, Center for Progressive Reform 2000-present <http://www.progressivereform.org/>.

Member, Board Ohio Justice & Policy Center 2011-present (Vice President 2015) <http://www.ohiojpc.org/main.html>.

Member, Board Center for Chemical Addictions Treatment 2012-present (Co-Chair Campaign Committee 2015) <http://www.ccatsober.org/>.

Member, PUC Collaborative

Member, National Replication Advisory Board, Cincinnati Works 2017-

Member, Board of Editors, *Laws* (an international, scholarly, open access journal of legal systems, theory, and institutions, and is published quarterly online by MDPI.) 2016-

Member, Board of Editors of the Beijing Law Review 2016-

ACADEMIC HONORS AND AWARDS

University of Cincinnati College of Law Faculty Excellence Award 2016

Visiting Professor, University of Lorraine, Nancy, France (February 2012; April 2013).

Distinguished Visiting Environmental Law Scholar, Lewis & Clark School of Law (Spring 2010).

Harold C. Schott Scholarship Award (2010).

Distinguished Visiting Energy Professor, Vermont Law School (July, 2007).

Visiting Scholar, University of Notre Dame (Spring 2007).

Visiting Fellow, Harris Manchester College, Oxford University (Spring 2006).

BLAC-CBA Round Table Forward Together Award in Education (2004).

Fulbright Senior Specialist in Law (Cambodia), (Summer 2002).

Senior Managers in Government, John F. Kennedy School of Government, Harvard University (1993).

NEH Summer Fellow in History (Stanford University 1987).

EMPLOYMENT HISTORY

Dean & Nippert Professor of Law, University of Cincinnati College of Law, 1990-2004;

Acting Dean, University of Cincinnati College of Law, 1989-1990.

Professor of Law, University of Cincinnati College of Law, 1983-present.

Visiting Professor of Law, University of Texas School of Law, 1986-1987.

Assistant, Associate, and Professor of Law, Drake University Law School, 1976-1983.

Associate, Giordano & Halleran, Middletown, New Jersey (general litigation practice), 1974-1976.

Admitted to law practice in New Jersey and Iowa.

CURRENT ACTIVITIES

External Reviewer University of Utah School of Law (November 1-3, 2015).

Member, American Bar Foundation 2006-present.

Life Member, American Law Institute.

Scholar, Center for Progressive Regulation, 2003-present.

Member, Steering Committee, International Union for the Conservation of Nature Commission on Environmental Law, 1997-present.

Life Member, U.S. Court of Appeals Sixth Circuit Judicial Conference.

Peer Reviewer, Cambridge University Press, Oxford University Press, Yale University Press.

PAST ACTIVITIES

ABA Site Visitor (Texas Wesleyan , Elon, San Diego, Georgia State, Atlanta's John Marshall, State University of New York, Seton Hall, Western State, Thomas M. Cooley, Houston, Stetson, Miami, Vanderbilt, Florida Coastal, Santa Clara, Indiana-Indianapolis).

ABA Consultant, Charleston School of Law; Drexel University; Wilkes University; Phoenix International School of Law; Florida Agricultural & Mining University.

Reporter, Standards Review Committee, ABA Section of Legal Education and Admissions to the Bar.

Chair, Board of Trustees, KnowledgeWorks Foundation, 1998-2013.
<http://knowledgeworks.org/>.

Chair, Board of Trustees, Student Lending Works, Inc. 2005- present.

Chair, Board of Trustees, Knowledge Funding Ohio, Inc 2005- present.

Member, Board Greater Cincinnati Foundation 2002-2013 <http://www.gcfdn.org/>.

Member, Board of Trustees, Greater Cincinnati Foundation, 2004-2013.

Delegate, Ohio State Bar Association Council of Delegates, 1999-2008.

Vice Chair, Committee of Energy Industry Restructuring, Finance, Mergers, and Acquisitions, American Bar Association Section of Environment, Energy, and Resources, 2000-2007.

Chair AFC Special Committee 2003 merger into AFG, Inc.

Member, Ohio State Bar Foundation 2004-2009

Board Member, GAFRI Special Committee 2007.

Member, Board of Trustees, Ohio Legal Assistance Foundation, 2001- 2007.

Trustee, Volunteer Lawyers for the Poor, 1994-2005 (President from 1994-1996).

Member, Citizens for Independent Courts Project on the Judiciary (a project of The Century Foundation), 1998-2006.

Member, Board of Trustees, Mercantile Library Association; President 2006-2008.

Chair, Professionalism Committee, American Bar Association Section on Legal Education and Admission to the Bar, 1999-2004; Vice Chair, 1998-1999.

Treasurer, Cincinnati Bar Association, 1998-2004.

Member, Steering Committee, BLAC/CBA Round Table, 1991-2005.

Member, Board of Trustees, Center for Chemical Addictions Treatment, 1989-2005. (President, 1994-1998).

Member, Cincinnati Bar Association Judicial Candidate Rating Committee, 1997-2004.

Member, Cincinnati Bar Association Planning Committee for Cincinnati Academy of Leadership for Lawyers (CALL), 1996-2002.

Member, Cincinnati CAN (Cincinnati Community Action Now) Police and Justice System Action Team, 2001-2004.

Member, American Bar Association Special Committee on Judicial Independence, Committee on Judicial Selection Standards, 1999-2000.

Member, Steering Committee, ABA Council on Racial and Ethnic Justice, 1998-2000.

Director, Center for the Study of Dispute Resolution, University of Cincinnati, 1987-1992.

Chair, University of Cincinnati Council of Deans, 1997-1998 (Vice-Chair 1996-97).

Member, Board of Editors, Journal of Legal Education, 1999-2002.

Chair, Ohio Conclave on Education for the Legal Profession, 1994.

Trustee, Ohio Continuing Legal Education Institute, 1993-1995.

Member, Ohio State Bar Association Joint Commission on Education for the Legal Profession 1995-1998.

Member, Ohio State Bar Association Special Committee to Study Local Evaluation of Candidates for Judicial Appointment, 1996.

Chair, Ohio State Bar Association Legal Education Committee, 1993-1995.

Member, Ohio State Bar Association Task Force on CLE Delivery, 1993-1995.

Member, Ohio Supreme Court Committee on Dispute Resolution, 1992-1998.

Co-Chair, Structure Committee, Ohio Supreme Court Futures Planning Commission, 1998.

Member, Ohio Supreme Court Futures Planning Commission, 1997-2000.

Chair, Provost Search Committee, University of Cincinnati, 1999.

Chair, SLF, Inc., 1998-2000 (Chair of Executive Committee, member of the Allocations Committee and of the Finance and Investment Committee).

Trustee, SLFC Inc., 1993-1998. (Member of Audit Committee.)

Trustee, Student Loan Funding Corporation, 1993-1998 (Member of Audit, Compensation, and Allocation Committees.)

Observer, South African Elections, April 1994.

Chair, Twenty-Fifth Class Reunion Gift Committee, University of Notre Dame Class of 1970.

Observer, United Nations Conference Against Racism, August - September 2001.

PROFESSIONAL AFFILIATIONS

American Bar Association; American Bar Foundation; American Law Institute; Cincinnati Bar Association, Ohio State Bar Association; Ohio State Bar Foundation; Literary Club; Mercantile Library.

PAST AFFILIATIONS

Board of Editors, *Journal of Legal Education*; Federal Bar Association; Judge, Diocese of Des Moines Marriage Tribunal; Leadership Cincinnati Class XV; Cincinnati Association; Society of American Law Teachers; and, Order of the Coif (Drake Chapter).

EDUCATION

George Washington University National Law Center--J.D., 1974 (with honors).

Journal of International Law & Economics, Member of the Board of Editors and the Staff (1972-74).

University of Notre Dame--A.B. (government) 1970.

TEACHING

Contracts, Energy Law, Government Regulation, Land Use Planning, Lawyering, Property, Remedies, and Law in Literature & Philosophy.

SEMINARS ATTENDED

1977 AALS Teaching Clinic.

1979 Project for the Study and Application of Humanistic Education in Law.

1985 Law and Economics Institute, Law and Economics Center, George Mason University School of Law (Dartmouth).

- 1990 Aspen Institute Seminar on Justice & Society.
- 1991 MIT Seminar on Risk Analysis.
- 1995 Basic Quantitative Methods Institute for Law Professors, Law and Economics Center, George Mason University School of Law (Dartmouth).
- 1997 Aspen Institute Executive Seminar.
- 2000 Environmental Economics and Policy Analysis Seminar, Bozeman, Montana.
- 2001 Medina Seminar, Princeton University.
- 2005 Summer Classics Seminars, St. John=s College, Santa Fe.
- 2014 Public Choice, George Mason Law & Economic Center, Stanford University

PROGRAMS

I have either planned programs or presented papers for the Association of American Law Schools; American Bar Association; American Judicature Society; American Legal Studies Association; American Planning Association; Canadian Institute on Resources Law; Cincinnati Bar Association; Conference of Chief Justices; Denison University; Federal Bar Association; Florida State University; Hofstra University School of Law; Iowa Planning Association; North American Conference on Peacemaking and Conflict Resolution; Ohio CLE Institute; Ohio Planning Association; Oxford University; Rocky Mountain Mineral Law Institute; University of Cincinnati (various colleges); Suffolk Law School; University of Kansas School of Law; Vermont Law School; United States Sixth Circuit Conference; and, continuing legal education programs and bar review courses.

PERSONAL

- Born:* Long Branch, New Jersey, September 3, 1948.
- Married:* Kathleen J. Tomain, August 1, 1971.
- Children:* Joseph Anthony, January 21, 1976 and John Fiore, August 21, 1980.

JOSEPH P. TOMAIN

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PUBLICATIONS

Books:

Energy Law in a Nutshell (3rd ed. 2017).

Clean Power Politics: The Democratization of Energy (Cambridge University Press 2017).

Energy Law in the United States of America (with Davies) (Wolters Kluwer).

Energy Law and Policy (2015 West Publishing) (with Davies, Klass, Orsofsky and Wilson)

Achieving Democracy: The Future of Progressive Regulation (2014 Oxford University Press with Shapiro).

Energy Law in a Nutshell (3rd ed. 2016 forthcoming)

Energy Law in a Nutshell (with Judge Richard Cudahy) (Chinese Translation 2012).

Energy Law in a Nutshell (2nd ed. 2011) (with Cudahy).

Ending Dirty Energy Policy: Prelude to Climate Change (2011 Cambridge University Press).

Creon's Ghost: Law, Justice, and the Humanities (Oxford University 2009).

Energy Law in a Nutshell (with Judge Richard Cudahy) (2005).

Regulatory Law and Policy (4th ed. Carolina Academic Press 2016 forthcoming with Shapiro and Hickman)

Regulatory Law and Policy 3rd ed. (LexisNexis 2003)(with Shapiro).

Energy Law and Policy for the 21st Century (Rocky Mountain Mineral Law Institute 2000) (with Hickey, Kelly, Mansfield, and Zillman).

Regulatory Law and Policy (2nd ed. Michie Co. 1998) (with Shapiro).

Regulatory Law and Policy (Michie Co. 1993) (with Shapiro).

Regulatory Law and Policy - Teacher's Manual (Michie Co. 1993, 1998, and 2003) (with Shapiro).

Energy and Natural Resources Law (West Pub. Co. 1992) (with Laitos).

Energy Law and Policy (Anderson Publishing Co., 1989) (with Hickey).

Nuclear Power Transformation (Indiana University Press, 1987).

Energy Law in a Nutshell (West Publishing Co., 1981).

Energy Decision Making (D.C. Heath/Lexington Books, 1983) (with Hollis).

Contributions:

Section, *The Future of Energy Law* (Forthcoming 2017).

Section, *Memo to the Next President: A Progressive View of Government and Protective Safeguards* (2016) (a report of the Center for Progressive Reform) available at http://progressivereform.org/articles/CPR_Memo_to_Next_Pres_Prog_Vision_1606.pdf.

Section, *The Clean Power Plan: Issues to Watch* (2015) (a White paper published by the Center for Progressive Reform) available at http://progressivereform.org/articles/CPD_1506.pdf.

United States Energy Law & Policy, International Encyclopedia of Energy Law (with Davies) (Walters Kluwer 2015) (400+ ms pages.)

Section, *Regulatory Blowout: How Regulatory Failures Made the BP Disaster Possible, and How the System Can be Fixed to Avoid a Recurrence* (Center for Progressive Reform 2010).

Chapter, *The iUtility in Beyond Environmental Law: Policy Proposals for a Better Environmental Future* (Cambridge University Press 2010).

Chapter, *Dirty Energy Policy in Economic Thought and U.S. Climate Change Policy* (MIT University Press 2010).

Chapter, *Rethinking Energy Law and Policy* in Climate Change Reader (forthcoming Carolina Academic Press).

Whither Natural Monopoly? The Case of Electricity, in *The End of a Natural Monopoly: Deregulation Competition in the Electric Power Industry, The Economics of Legal Relationships*, (Grossman and Cole eds. 2003).

Chapter, *Energy and Natural Resources Law* in *The Oxford Companion to American Law*.

Chapter, *Electric Industry Restructuring, Finance, Mergers and Acquisitions* in *2000 Year-in-Review* (with Behrends and O'Leary); in *2001 Year-in Review* (with Dowden, Lonian and Conner) in *2002 Year-in Review* (with Dowden) (American Bar Association).

Chapter in J. Hickey and L.A. Longmire, *The Environment: Global Problems, Local Solutions* (Greenwood Press, 1994).

Chapter , *A Legal Perspective on the Nuclear Option: The American Experience* in J.O. Saunders (ed.) *The Legal Challenge of Sustainable Development* 217 (1990).

Ch. 42, *Rates and Service Obligations of Municipally Owned Gas Distributors*, in American Gas Association, *The Regulation of the Natural Gas Industry* (Matthew-Bender Co., 1981) (with Polden).

"Contracts," in I *Encyclopedia of the American Judicial System* 259 (Charles Scribners' Sons, 1987).

Contributor, Instructor's Manual for L. Riskin & J. Westbrook, *Dispute Resolution* (West Publishing Co., 1987).

Contributor, E. Dvorkin, J. Himmelstein, and H. Lesnick, *Becoming a Lawyer: A Humanistic Perspective on Legal Education and Professionalism* (West Publishing Co., 1981).

Editor, *Handbook on Iowa State Energy Agencies* for Iowa State Bar Association (1979).

Contributor, N. Ely, *Summary of Mining and Petroleum Laws of the World* (5. Europe), (2 ed., 1974).

Articles:

Gridlock, Lobbying and Democracy, 7 *Wake Forest J. of Law & Pol.* 87 (2017).

Standard 405 and Terms and Conditions of Employment: More Chaos, 66 *J. LEGAL ED.* 634 (2017) (with Polden).

Clean Power and the Future of US Energy Politics and Policy, 39 *Utilities Policy* 5 (2015) (peer reviewed).

Traditionally- Structured Electric Utilities in f Distributed Generation World, 38 *Nova L. Rev.* 473 (2014).

Shale Gas and Clean Energy Policy, 63 *Case Western L. Rev.* 1187 (2013).

Reading Poets, 87 *St. John's L. Rev.* 1051 (2013).

Smart Grid, Clean Energy and US Policy, 13 *Journal of Competition and Regulation in Network Industries* 187 (2012).

Shadow Rates: Financing Clean Energy, 51 *Infrastructure* 1 (Spring 2012).

The Politics of Clean Energy: Moving Beyond the Beltway, 3 *San Diego J. Climate Change and Energy Law* 299 (2011).

“Our Generation’s Sputnik Moment:” Regulating Energy Innovation, 31 *Utah Env’tl. L. Rev.* 1 (2011).

Steel in the Ground: Greening the Grid with the iUtility, 39 *Env’t. L.* 931 (2009).

Building the iUtility, 146 *Pub. Util. Fort.* 28 (August 2008).

To A Point, 52 *Loyola L. Rev.* 1201 (2007).

Smart Energy Paths: How Willie Nelson Saved the Planet, 36 *Cumberland L. Rev.* 417 (2006).

Katrina’s Energy Agenda, 20 *Natural Resources & Environment* 43 (Spring 2006).

Rethinking Reform of Electricity Markets, 40 *Wake Forest L. Rev.* 497 (2005) (with Shapiro).

Nuclear Futures, 15 *Duke Environmental Law & Policy Forum* 221 (2005).

Introduction to Law, Ethics, and Affirmative Action in America, 72 *Univ. Cinn. L. Rev.* 873 (2004).

Between Law and Virtue, 71 *Univ. of Cincinnati Law Review* 585 (2002) (with Watts).

The Past and Future of Electricity Regulation, 32 *Environmental Law* 435 (2002).

The Persistence of Natural Monopoly, 16 *Natural Resources & Environment* 242 (Spring 2002).

A Changing Landscape: Struggles for the Legal Profession Identified in Ohio Courts Futures Commission Report, *Ohio Lawyer* 8 (March/April 2001).

A Code of One’s Own, 15 *Notre Dame Journal of Law, Ethics, & Public Policy* 153 (2001).

networkindustries.gov.reg, 48 *Kansas Law Review* 829 (2000).

Electricity Restructuring: A Case Study in Government Regulation, 33 *Tulsa Law Journal* 827 (1998).

Analyzing Government Regulation, 49 *Administrative Law Review* 377 (1997) (with Shapiro).

The Four Failures of the Political Economy, 6 *Tul. Envtl. L.J.* 1 (1992).

Distributional Consequences of Environmental Regulation: Economics, Politics, and Environmental Decisionmaking, 1 *Kan. J. of Law & Pub. Pol.* 101 (1991).

The Dominant Model of United States Energy Policy, 61 *University of Colorado Law Review* 355 (1990).

Land Use Mediation for Planners, 7 *Mediation Quarterly* (1989).

A Model for Court-Annexed Mediation, 5 *Ohio State Journal on Dispute Resolution* 1 (1989) (with Lutz).

Skills Skepticism in the Post-clinical World, 40 *Journal of Legal Education* 307-20 (Sept. 90) (with Solimine).

Energy Policy Advice for the New Administration, 46 *Washington & Lee Law Review* 63 (1989).

Public Participation in Nuclear Plant Cancellations: *Zimmer One Span in the Bridge*, 6 *Temple Environmental Law and Technology Journal*, 31 (1987) (with Rizer and Zettler).

Nuclear Transition: From Three Mile Island to Chernobyl, 28 *Wm. & Mary Law Review* 363 (1987) (with Burton).

Law and Policy in the Activist State: Rethinking Nuclear Regulation, 38 *Rutgers Law Review* 187 (1986).

Nuclear Regulation in Transition, 17 *Progress in Nuclear Energy* 245 (1986).

Contract Compensation in Nonmarket Transactions, 46 *University of Pittsburgh Law Review* 867 (1985).

False Idylls of Lawyering, 35 *Journal of Legal Education* 157 (1985).

Institutionalized Conflicts Between Law and Policy, 22 *Houston Law Review* 661 (1985).

Lawyering in a First Year Property Course, 33 *Journal of Legal Education* 111 (1983).

Compensable Regulations and Alternative Compensation Systems, 21 *Santa Clara Law Review* 89 (1981).

On Choosing Clients and Careers: The Problems of Initial Choice, 25 *Catholic Lawyer* 32 (1979).

Elimination of the Highest and Best Use Principle: Another Path Through the Middle Way, 47 *Fordham Law Review* 307 (1978).

Land Use Controls in Iowa, 27 *Drake Law Review* 254 (1978)

Essays and Miscellaneous:

Principal Author: Public Citizen Inc., et al. v. Trump, Civ. No. 170253 (RDM) (U.S.D. C. Dist. Columbia May 24, 2017).

Editorial, *Gorsuch Must Show Commitment to a Democratic America*, CINCINNATI ENQUIRER (February 21, 2017).

Editorial, *Help Needed to Triple Space for Heroin Treatment*, CINCINNATI ENQUIRER (June 7, 2016).

Clean Power and the Democratization of Energy in the US, 17 *Network Industries Quarterly* 3 (No. 3 2015).

Shadow Rates, 51 *Infrastructure* 1 (Spring 2012).

Four Reasons Bipartisan Accountability Act Will Fail, Cincinnati Enquirer A7 (November 1, 2011).

For A Cold Winter's Night: Reading the Great Books, *CBA Magazine* 14 (December 2010).

Lost in the Flood, 23 *Pace Environmental Law Review* 219 (2006).

Bargaining in the Shadow of Regulation (review of J. Rossi, *Regulatory Bargaining and Public Law*) in *Antitrust Source* at <http://www.abanet.org/antitrust/source/> (September 2005).

Junk Economics (review essay of F. Ackerman and L. Heinzerling, *Priceless: On Knowing the Price of Everything and the Value of Nothing*) 93 *Georgetown Law Journal* 689 (2005).

Dionysian Education, (review of R. Byrnes & J Marquart, *Brush with the Law: The True Story of Law School Today at Harvard and Stanford*) 6 *Green Bag* 70 (2002).

Augustine in Chicago, (review essay of M. Lilla, *The Reckless Mind: Intellectuals in Politics* and R. Posner, *Public Intellectuals: A Study of Decline*) 51 *Journal of Legal Education* 610 (2001).

The Associate Dean for Faculty Research Position: Encouraging and Promoting Scholarship, 33 *U. TOL. L. REV.* 233 (2001) (with Caron).

Introduction, Robert S. Marx Lecture: The Art of Rhetoric, 67 *Univ. of Cincinnati Law Review* 669 (1999).

Lies and Law (review of Andrew Vachss, *False Allegations*), 19 *Human Rights Quarterly* 696 (1997).

Simple Rules for the Regulatory State (review of R. Epstein, *Simple Rules for a Complex World*), 36 *Jurimetrics Journal* 409 (1996).

Delivering Public Service, *CBA Report* 7 (November 1996).

Implementing the MacCrate Commission Report C Getting Started, 42 *The CLE Journal and Register* 5 (July 1996)

The Future of Continuing Legal Education, 9 *Ohio Lawyer* 11 (May/June 1995).

Public Service and Professional Development: The Promise of Volunteer Lawyers for the Poor, *CBA Report* (September 1994).

Training for Practice: Skills, ADR, Clinics and Externships, 6 *Ohio Lawyer* 12 (March/April, 1992) (with Solimine).

Electricity and the Environment, 126 *Pub. Util. Fort.* 34 (July 5, 1990).

Interest, Ideology, and Imagination, (review essay of J. Clark, *Energy and the Federal Government*) 5 *Journal of Mineral Law & Policy* 115 (1989).

The Incommensurable Worlds of Economics and Politics (review essay of M. Sagoff, *The Economy of the Earth*), 29 *Jurimetrics Journal* 333 (1989).

Tales of the Court (review essay of W. Rehnquist and A. Cox), 56 *University of Cincinnati Law Review* 1397 (1988).

Nuclear Catacomb (review Essay of L. Carter, *Nuclear Imperatives and Public Trust*), 29 *Jurimetrics Journal* 77 (1988).

Law Students and Lawyering, 38 *Journal of Legal Education* 599 (1988) (with others).

Uncloaking Law School Hiring: A Recruit's Guide to the AALS Faculty Recruitment Conference 38 *Journal of Legal Education* 345 (1988) (with others).

Columbia Gas of Ohio: Ordered to Reorganize, *Directorship* 5 (1987) (case comment).

Electricity and Ideology, 7 *Journal of Energy Law & Policy* 315 (1986).

On Local Autonomy: Discontinuity and Convergence (review essay of W. Fischel, *The Economics of Zoning Laws*) 55 *University of Cincinnati Law Review* 399 (1986).

Faith, Hope, and the Law Teacher: A Reaction to Professor Levinson, 31 *St. Louis Law Journal* 101 (1986).

The Trek of Hope (D. Tutu, *Hope and Suffering*) 8 *Human Rights Quarterly* 547 (1986).

Constructing a Way Out of the Liberal Predicament, (review essay of B. Ackerman, *Reconstructing American Law*) 1985 *A.B.F. Res. Journal* 345.

The Legal Heresiarchs (review essay of D. Luban (ed.), *The Good Lawyer*) 1984, *A.B.F. Res. Journal* 693.

The Rule of Capture: Government and the Oil Industry (review essay of R. Sherrill, *Oil Follies*), 5 *Journal of Energy Law & Policy* 227 (1984).

Policy, Politics, & Law, (review essay of J. Chubb, *Interest Groups and the Bureaucracy*) 32 *U.C.L.A. Law Review* 1247 (1984).

Robert Sherrill, *The Oil Follies of 1970-1980*, 5 *Energy Law Journal* 145 (1984).

The Federal Courts, Specialization and Legal Services: The Devitt Report, in *ALI-ABA CLE News* (1979) (with Belcoure).

The Training of Problem Solvers (review essay of T. Shaffer & R. Redmount *Lawyers, Law Students and People*, and S. Giller (ed.); *Looking at Law School*), 53 *N.Y.U. Law Review* 692 (1978).

Note, Executive Agreements and the Bypassing of Congress, 8 *Journal of International Law & Economics* 129 (1973).

Blogs & Editorials:

Portman's Regulatory Reform, Bill Will Increase Costs, Cincinnati Enquirer (may 22, 2017) available at

http://progressivereform.org/articles/Tomain_CincyEnq_RAA_052217.pdf.

Trumping Innovation, CPRBLOG (March 21, 2017) available at <http://progressivereform.org/CPRBlog.cfm?idBlog=4A1B1BAB-E58A-E8A9-3D60CDA5A9BFE7B3>.

Attacking Regulation Using Slogans, Not Analysis, CPRBLOG (March 13, 2017) (with Shapiro) available at <http://www.progressivereform.org/CPRBlog.cfm?idBlog=D07A5116-9BAD-94CF-3366405B5BD03EFD>.

Gorsuch Must Show Commitment to a Democratic America, Cincinnati Enquirer (February 21, 2017) available at http://progressivereform.org/articles/Tomain_CincyEnq_Gorsuch_022217.pdf.

Clean Energy and the Myth of Free Markets, Cincinnati Enquirer (January 2, 2017) available at <http://www.cincinnati.com/story/opinion/contributors/2017/01/02/clean-energy-and-myth-free-markets/95974074/>.

The Trump Troika and Regressive Energy Policy, CPRBLOG (December 15, 2016) available at <http://progressivereform.org/CPRBlog.cfm?idBlog=269958CD-AABB-B47A-4565F8AD34BAFA20> (for the Center for Progressive Reform (<http://www.progressivereform.org/>).

An Uncertain Anniversary, CPRBLOG (December 12, 2016) available at <http://progressivereform.org/CPRBlog.cfm?idBlog=852988EE-F00A-88F5-6F0FC8FA5522B085> (for the Center for Progressive Regulation.)

Nudging Utilities into the Future, CPRBLOG (October 1, 2015) available at <http://www.progressivereform.org/CPRBlog.cfm?idBlog=681226F0-01BE-4D13-B9870E9A4EFCFD7A> (same).

From Energy Consumers to Democratic Energy Participation, (September 2, 2015) available at <http://www.progressivereform.org/CPRBlog.cfm?idBlog=8F11A6E7-0601-9F55-85513809AC34B2DF> (same.)

Katrina and the Democratization of Energy, CPRBLOG (August 28, 2015) available at <http://www.progressivereform.org/CPRBlog.cfm?idBlog=6074C1F1-B674-C36C-8BAD907222EAB7AB> (same.)

Clean Energy Politics, CPRBLOG (June 9, 2014) available at <http://www.progressivereform.org/CPRblog.cfm?fkScholar=47> (same.)

US Chamber of Commerce: More of the Same, CPRBLOG (January 27m, 2014) available at <http://www.progressivereform.org/CPRBlog.cfm?idBlog=D5321448-0E25-EFFE-A6BFAE03BF53DB69> (same.)

The Clean Energy Wager, CPRBLOG (January 8, 2014) available at <http://www.progressivereform.org/CPRBlog.cfm?idBlog=73423E9A-BE04-B7D1-CC70733C5B913213> (same.)

Reports:

Report and Recommendations of the Ohio Conclave on Education for the Legal Profession to the Supreme Court of Ohio and the Ohio State Bar Association (1995).

The New South Africa: The Dawn of Democracy, Report to the American Association for The International Commission of Jurists, New York, and The International Commission of Jurists, Geneva (1994) (with Butler, Lockwood, and Solbert).

Ohio Conclave on Education for the Legal Profession, sponsored by the Supreme Court of Ohio and the Ohio State Bar Association, Report to Participants (1994).

Affordable Housing in Cincinnati: Public-Private Cooperation in Local Housing Initiatives, pursuant to Ohio Board of Regents UPAC grant (1992).

Financing Low and Moderate Income Housing in Cincinnati: An Evaluation of the Cincinnati Development Fund, pursuant to Ohio Board of Regents UPAC grant (1991) (with Lutz).

An Evaluation of the Common Pleas Court Mediation Project of the Center for Mediation of Disputes, Inc. pursuant to Ohio Board of Regents Research Challenge and Seasongood Foundation grants (1990) (with Lutz).

The Need and Validity of Alternative Compensative Systems in Iowa, pursuant to a grant from the Ford Foundation administered through the Legislative Environmental Action Group for Iowa (1980) (with Gregg).

Works in Progress:

Regulatory Law and Policy (4th ed.) (with Shapiro and Hickman).

Energy Law & Policy (2nd ed. with Davies, Klass, Orsofsky, and Wilson).

White Paper, *The Twin Demons of the Trump-Bannon Assault on Democracy* (for the Center for Progressive Reform forthcoming).

Selected Papers, Presentations and Lectures:

Panel Chair and Presenter, *A US Clean Energy Transition and the Trump Administration*, 5th International Symposium on Environment and Energy Finance Issues, IPAG Business School, University of Paris Dauphine May 23, 2017.

Introduction to Law in Literature and Philosophy (Fall 2016) (SSRN).

ECPR Standing Group on Regulatory Governance, Tilburg University Law School, Tilburg, Netherlands *Clean Power Policy in the United States* (May 2016) (SSRN).

Presentation, *Clean Power Policy in the United States*, ECPR Standing Group on Regulatory Governance, Tilburg University Law School, Tilburg, Netherlands (July 7, 2016).

Lecture, *Clean Power Politics: The Democratization of Energy*, Miami University Institute for the Environment and Sustainability (March 1, 2016).

Lecture, *Clean Power Politics: The Democratization of Energy*, Denver University Sturm School of Law (February 1, 2016).

Lecture, *Shale and Coal Gas Development in the United States*, University of Lorraine Faculty of Law and Faculty of Mining, Nancy, France (November 16, 2015).

Lecture, *Energy Law and Policy Past and Future*, FERC Trial and Appellate Lawyers and Office of Legal Counsel (September 24, 2015).

Clean Power and the Democratization of Energy, 4th Conference on the Regulation of Infrastructures, Florence School of Regulation, European University Institute, Florence, Italy June 12, 2015.

The Democratization of Energy, This is Not a Drill: Confronting Legal Issues in the Wake of International Disasters, Vanderbilt Journal of Transnational Law February 13, 2015.

The Future of Progressive Regulation, 5th Biennial ECPR Standing Group for Regulatory Governance Conference, Barcelona, Spain June 25-27, 2014.

Discussant, 3rd Conference on the Regulation of Infrastructure: Taking Stock of Current Challenges, Florence School of Regulation, Florence, Italy June 13, 2014.

Discussant, “*Extreme Deference*” to Agency Interpretations of Vague and Ambiguous Regulations, Law & Economics Center, George Mason University School of Law, May 20-21, 2014.

The Political Economy of Clean Energy, Ohio Energy: Emerging Issues in Law, Ohio State University School of Law, April 9, 2014.

The Future of Electric Utilities, Nova Southeastern University Law School, Energy Climate Disruption and Sea Level Rise – New Directions in Law and Policy, February 7, 2014.

Achieving Democracy: The Future of Progressive Regulation, Society for the Advancement of Socio-Economics Annual Meeting Milan Italy, July 27-29, 2013.

Engineering and Energy Law, UC College of Engineering (February 15, 2013).

Nuclear Power Law, Vanderbilt School of Law (February 22, 2013).

The Law of Clean Energy, 14th Annual Northeast Florida Environmental Summit, Florida Coastal School of Law (February 28, 2012).

Shale Gas and Clean Energy Policy, Law Review Symposium: Hydraulic Fracturing, Case Western School of Law (November, 2012).

Smart Grid Innovation: Policy, Politics and Law, Fourth Annual Conference on Competition and Network Industries, Brussels, Belgium (November 25, 2011).

Panelist: “The Role of Washington in Promoting Energy Innovation, University of San Diego Law School (April 15, 2011).

Panelist: “Regulating Energy Innovation” University of Utah School of Law Conference *The Future of Energy Law* (January 21, 2011).

Panelist: A Student Learning Outcomes@ Southeastern Association of Law Schools (August 3, 2010).

Lecture: Ending Dirty Energy Policy@ Graduate Students Lewis & Clark School of Law (March 3, 2010).

Panelist: A Energy Regulation@ University of Toledo Law Review Symposium (March 26, 2010).

Lecture: Three Faces of Justice@ Faculty Colloquium Lewis & Clark School of Law (March 30, 2010).

Panelist: Venture Regulation@ Wake Forest University Conference *Energizing the Future* (February 11, 2010).

Panelist: *New Insights Into and Scholarship About the Goals and Responsibilities of Legal Education*, Southeastern Association of Law Schools, July 31, 2008.

Paper: *The iUtility: Current Climate Change Initiatives* at Suffolk University Law School (April 25, 2008)

Paper: *Perplexity: Narrative & Narration*, University of Cincinnati College of Law Review Symposium on Law & Literature: Narration and the Poetry of Lawrence Joseph (February 29, 2008).

Paper: *Thinking and Practicing Law: Lessons from Literature and Philosophy*, Denison University All College Colloquium (February 27, 2008).

Lecture: *The Conflict Between Man=s Law and Higher Law: Three Responses*, Denison University Philosophy Colloquium (February 27, 2008).

Paper, *The Justice Institute and Legal Education*, Denison University PPE Colloquium (February 27, 2008).

Lecturer:*Dirty Energy Policy and Climate Change*. Institute for Environmental Studies, Miami University (November 1, 2007).

Keynote, *Law, Language, Energy and the Environment*, Second Annual Energy Summer Conference, Vermont Law School (July 20, 2007).

Paper: *Environmental Stewardship: An Exploratory Program for Religious Leaders*, Foundation for Research on Economics and the Environment, Bozeman, Montana (June 24-27, 2007).

Facilitator, *Inaugural Seminar for Lawyers and Judges*, Law and the Humanities Institute, North Carolina (March 14-17, 2007).

Lecture: *Imagining a Public Interest Energy Law Firm*, Plenary Session, 13th Annual University of Florida Public Interest Environmental Conference (March 2, 2007).

Participant, *Next Generation Environmental law Initiative*, Levin College of Law University of Florida (March 1, 2007).

Lecture: *Two Thumbs on the Scale*, High Temps, High Tech Solutions to the Energy and Environmental Equation, Vermont Law School (October 13, 2006).

Paper: *Katrina's Energy Agenda: One Year Later*, Katrina Consequences: What Has the Government Learned? Loyola University New Orleans College of Law (August 25, 2006).

Lecture: *Lawyers, Judges, Law and the Humanities*, Harris Manchester Law Society, Oxford University (March 8, 2006).

Eminent Domain in Kelo and Norwood, The Use of Eminent Domain for Economic Redevelopment: A Necessary Tool for Cities Or an Unconstitutional Trampling of Property Rights? University of Dayton School of Law September 26, 2005

The Ancient Quarrel, 8th Annual Meeting of the Society for the Study of Law, Culture, and the Humanities, Austin, Texas March 11-12, 2005

Nuclear Futures, Symposium *Environmental Regulation, Energy, and Market Entry*, Duke Environmental Law and Policy Forum, November 19, 2004.

Humanities, Ethics, and the Legal Profession: Teaching Ethics to the Public, Private and Professional Sectors, Key Centre for Ethics, Law, Justice & Governance, Griffith University, Nathan, Queensland, Australia, April 7-8, 2001.

A Code of One's Own, Notre Dame Legal Education Symposium, March 23, 2001.

Ohio Courts Futures Commission Report: Process and Recommendations, Ohio Legal Ethics Seminar, November 15, 2000.

A Code of One's Own, 40th Annual Southwestern Ohio Tax Institute, December 4, 1999.

A Code of One's Own, Keating, Muething & Klekamp Legal Update Seminar, December 2, 1999.

Ethics and Professionalism in a Changing Legal Profession, Dinsmore & Shohl Continuing Legal Education Program, December 11, 1997.

Six Ineluctable Takings Rules, National Business Institute Seminar on Real Estate Litigation in Ohio, July 9, 1997.

The Revolution in the Regulation of Energy, Ninth Institute for Natural Law Resources Teachers, Park City, Utah, May 16-18, 1997.

Dealing with Generation X: Sesame Street, Computers, Jobs, and Demands (moderated panel), 1997 ABA Mid-Year Meeting, San Antonio, Texas, January 28-February 5, 1997.

Law Schools in Transition?, Judicial Conference of the Sixth Circuit, Asheville, North Carolina, June 28-July 1, 1995.

The Brave New World of Energy Law: Domestic Electricity Regulation, Eighth Institute for Natural Resources Law Teachers, Reno, Nevada, June 2-4, 1995.

Recent Developments in Contract Law Teaching in the United States, Soochow University, Republic of China, July 13-15, 1992.

Distributional Consequences of Environmental Regulation, ABA Standing Committee on Environmental Law, Williamsburg, Virginia, May 15, 1992.

The Politics of Evaluation, Annual Meeting of The Law and Society Association, Berkeley, California, May 31, 1990.

Electricity and the Environment, Annual Northeast International Committee on Energy Conference, Halifax, Nova Scotia, April 24-26, 1990.

A Legal Perspective on The Nuclear Option: The American Experience, Institute on National Resource Law, Ottawa, Canada, May 10-12, 1989.

Land Use Mediation for Planners, Annual Meeting, American Planners Association, Denver, Colorado, 1989.