



Course XXIII

Module 10, Austin "IT and Energy Law": 28th October – 02nd November 2019

LIST OF SPEAKERS

DEUTSCH RICHARD DAVID

Partner at McGuireWoods LLP.

Houston, TX, USA

Rich is a litigation partner who focuses his practice on both commercial litigation and international arbitration. Rich has represented clients in international arbitrations under various institution rules, including the International Centre for Dispute Resolution (ICDR), International Chamber of Commerce (ICC), International Centre for the Settlement of Investment Disputes (ICSID & Additional Facility), Singapore International Arbitration Centre (SIAC), the Cairo Regional International Arbitration Centre, and ad-hoc arbitrations under the UNCITRAL Rules, and matters pursuant to free trade agreements and national arbitration legislation, including Australia and Nigeria. Rich has sat as an arbitrator in international disputes and has satisfied the requirements to earn Fellow status at the Chartered Institute of Arbitrators (North America). His most recent experience includes representation of a major international oil and gas exploration company in a Nigerian Arbitration Act Rules arbitration (UNCITRAL Model Law) and related litigation regarding a semi-submersible rig offshore Libya, representation of three major oil and gas exploration companies in an ICDR Rules arbitration over the costs of a multi-billion dollar offshore production facility in the Gulf of Mexico, representation of a U.S. investor in an ICC Rules arbitration with an Asian financial institution, counsel to foreign investors in SIAC Rules arbitration concerning automobile distribution agreement, and representation of an independent exploration and production company in a potential ICC Rules arbitration involving a drilling contract for a semi-submersible rig offshore Brazil. He also structures and negotiates international dispute resolution clauses and arbitration agreements, advises on choice of law and choice of forum questions, and drafts and negotiates waivers of sovereign immunity and other matters critical to ensuring the enforceability of contractual rights in international transactions.

DZIENKOWSKI JOHN S., Prof.

Dean John F. Sutton, Jr. Chair in Lawyering and the Legal Process at the University of Texas at Austin School of Law
Austin, TX, USA

John is a summa cum laude graduate of the University of Miami with a Bachelor of Business Administration and a high honors graduate of the University of Texas School of Law. While in law school, John served as the editor-in-chief of the Texas Law Review and he received the honors of a member in the UT Chancellors and the Order of the Coif. He served as a judicial law clerk for Ninth Circuit Court of Appeals Judge Joseph Sneed in 1983-84 and for District of Massachusetts Judge Robert Keeton in 1984-85. John Dzienkowski began his teaching career at Tulane Law School in New Orleans and he joined the Texas faculty in 1988. John was a visiting professor at the George Washington University School of Law in 1992-93 and at Cornell Law School in 1995. In Spring 2002, John visited the University of Florida Levin College of Law as the Hurst Eminent Visiting Scholar, and in Fall 2002, he visited the University of Alabama School of Law as the Francis Hare Visiting Chair in Tort Law. John Dzienkowski teaches and writes in the areas of professional

responsibility of lawyers, real property, international energy transactions, and oil and gas taxation. He is widely regarded as one of the most dynamic and effective speakers on topics of professional responsibility and he has delivered almost one hundred ethics presentations to in-house corporate departments, large and small law firms, state bar continuing legal education programs, and law faculties throughout this country. In 2005, John received the Texas Exes Faculty Teaching Award for excellence in teaching. He is a four-term member of the drafting committee of the Multistate Professional Responsibility Examination. In the area of professional responsibility of lawyers, John has authored leading articles on topics relating to conflicts of interest in lawyering: "Positional Conflicts of Interest" (71 Texas Law Review 457), "Lawyers as Intermediaries" (1992 Illinois Law Review 741), "Multidisciplinary Practice of Law" (69 Fordham Law Review 83) (with Bob Peroni), and "Lawyer Equity Investments in Clients" (81 Texas Law Review 405) (with Bob Peroni). He is the editor of the leading statutory supplement on PROFESSIONAL RESPONSIBILITY: STANDARDS, RULES, AND STATUTES and a co-author of a casebook on PROFESSIONAL RESPONSIBILITY OF LAWYERS (1988 and 2002) (with John Sutton). In 2005, John joined Ronald Rotunda as a co-author of Legal Ethics: A Lawyer's Deskbook on Professional Responsibility (2005). In the area of natural resources, John is a founding co-author of the first commercially produced casebooks on NATURAL RESOURCES TAXATION (1988) and INTERNATIONAL PETROLEUM TRANSACTIONS (1993 and 2000). He is also a co-author of a leading treatise on oil and gas law and taxation, HEMINGWAY'S OIL AND GAS LAW AND TAXATION (2004). John is also the co-chair of a bi-annual UT Program on Oil and Gas Taxation co-sponsored with the Internal Revenue Service. John Dzienkowski, along with John Steele and Bradley Wendel, have co-founded www.legaethicsforum.com, a leading blog on issues related to legal ethics.

FANG STEVEN

Partner, Huggins Reddien LLP

Loomer Family Professor in Law at the University of Texas at Austin School of Law
Austin, TX, USA

Steven assists clients with technology and intellectual property matters, with an emphasis on software, the internet and digital media. He advises clients on the development, licensing, sale, acquisition, distribution, manufacture and supply of technology and content, working regularly on both the vendor and customer sides of transactions. Steven counsels clients on strategies for protecting intellectual property as they develop their offerings, giving particular attention to the use of open source software and compliance with applicable licenses. He also advises clients with respect to trademark search, clearance and prosecution and the protection of software and related assets through copyright registration.

Prior to joining Huggins Reddien LLP, Steven practiced for 16 years in the Technology Commerce and Intellectual Property Groups at the New York office of Dorsey & Whitney LLP. He then joined Kastner + Huggins + Reddien + Gravelle LLP (KHRG), the predecessor to Huggins Reddien LLP, and served as Head of IP and Commercial Transactions Group at Kastner Gravelle LLP (a successor to KHRG).

Steven received his law degree from The University of Texas School of Law. He graduated from The University of Texas at Austin with a B.A. in Philosophy, receiving Highest Honors.

GOLDEN JOHN M., Prof.

Loomer Family Professor in Law at the University of Texas at Austin School of Law
Austin, TX, USA

John Golden has taught administrative law, contracts, patent law, and writing seminars relating to innovation and intellectual property. Since 2011, he has served as faculty director of the Andrew Ben White Center in Law, Science and Social Policy. His research has focused primarily on issues relating to innovation policy, institutional design, patents, and remedies. John has a Ph.D. in Physics from Harvard University, a J.D. from Harvard Law School, and an A.B. in Physics and History from Harvard College. Before joining the faculty of the University of Texas School of Law, he clerked for the Honorable Michael Boudin of the United States Court of Appeals for the First Circuit and then for Associate Justice Stephen Breyer of the United States Supreme Court. He also worked as an associate in the intellectual property department of Wilmer Cutler Pickering Hale and Dorr LLP. John's SSRN author page is <http://ssrn.com/author=601231>.

HARAGAN KELLY, Clinical Prof.

University of California Director-Environmental Law Clinic, University of Texas
Austin, Texas, USA

Kelly Haragan is a clinical professor and Director of the Environmental Clinic. Kelly joined the faculty in 2008. Prior to joining the Clinic, Kelly worked as legal counsel for national nonprofits including: the Environmental Integrity Project in Washington DC, Environmental Defense Fund in Austin, and Public Citizen's Austin office. She also worked at the Austin firm Henry, Lowerre, Johnson, Hess & Frederick, representing citizen and environmental groups in permitting and enforcement matters. Kelly specializes in Clean Air Act permitting and enforcement.

NETANEL NEIL, Prof.

University of California
Los Angeles, CA, USA

Neil W. Netanel holds the Pete Kameron Endowed Chair in Law at the University of California Los Angeles School of Law, which he joined in fall of 2004. Prior to joining UCLA Law, Netanel served for a decade on the faculty of the University of Texas at Austin School of Law. From 1980 to 1981, Netanel was Assistant to the General Counsel of the State of Israel's Environmental Protection Service. He then practiced law at Loeb and Loeb in Los Angeles (1981-84) and Yigal Arnon & Co. in Tel-Aviv (1985 to 1992). Netanel served as Of Counsel to the law firms of Arnold, White & Durkee (1995 to 2000) and Fulbright & Jaworski (2000-2007). He is now an independent expert witness and consultant on a variety of matters related to copyright law. Netanel received his B.A. from Yale University (1976), his J.D. from UC Berkeley Boalt Hall School of Law (1980) and his J.S.D. from Stanford University (1998). Netanel teaches and writes in the areas of copyright, free speech, international intellectual property and telecommunications law and policy. His recent books and book projects include "Copyright's Paradox" (Oxford University Press, 2008), "The Development Agenda: Global Intellectual Property and Developing Countries" (Neil Weinstock Netanel ed., Oxford University Press, 2008), "From Maimonides to Microsoft: The Jewish Law of Copyright Since the Birth of Print" (Oxford University Press, 2016), and "The Battles Over Copyright: What Everyone Needs to Know" (Oxford University Press, forthcoming 2018).

PERONI ROBERT, Prof.

Fondren Foundation Centennial Chair for Faculty Excellence, University of Texas
Austin, TX, USA

Professor Peroni currently holds the Fondren Foundation Centennial Chair for Faculty Excellence. He joined the Texas faculty in 2003 and his primary areas of teaching and scholarship are federal income taxation, international taxation, natural resource taxation, and professional responsibility/legal ethics. He is one of the nation's top scholars in international taxation and in energy taxation. He is a co-author of five books and has written many articles on taxation and professional responsibility topics. He has presented papers and given lectures throughout the world and has been a frequent teacher of tax law courses in the NYU/IRS Continuing Professional Education Program in Washington, D.C. In 2006, he was the recipient of the **Texas Exes Faculty Teaching Award** for excellence in teaching. He is the co-chair of the advisory boards for two recurring programs co-sponsored by the IRS the Biennial Parker Fielder Oil and Gas Tax Conference, co-sponsored by the IRS with the University of Texas School of Law, and the Annual Institute on Current Issues in International Taxation, co-sponsored by the IRS with the George Washington University Law School. During the 1985-86 academic year, he was a Professor-in-Residence in the Office of Chief Counsel of the IRS in Washington, D.C., and, during the 2000-2001 academic year, he was one of the Academic Advisors to the Joint Committee on Taxation's Study of the Overall State of the Federal Tax System. He has been active on several committees of the American Bar Association's Section of Taxation and has served as the Chair of the Taxation Section of the Association of American Law Schools. He is a Fellow of the American College of Tax Counsel.

Prior to joining the Texas faculty, Professor Peroni taught at the Tulane University School of Law in New Orleans, from 1981-1989, and at the George Washington University Law School in Washington, D.C., from 1989-2003, where he was the Robert Kramer Research Professor of Law. He was the first recipient of Tulane's Felix Frankfurter Distinguished Teaching Award, and he twice received G.W.'s Distinguished Faculty Service Award, selected by the vote of G.W. Law School graduating classes. He also has taught as a visiting professor on the law faculties of New York University, the University of Texas, UCLA, the University of Pennsylvania, Northwestern University, and Georgetown University. He was the J. Landis Martin Visiting Professor of Law and Business at Northwestern during the 2002-03 academic year and is the Jack N. Pritzker Distinguished Visiting Professor of Law at Northwestern during the Fall 2006 semester. He was the Parker C. Fielder Regents Professor in Tax Law at the University of Texas from 2003-2005, and the James A. Elkins Centennial Chair in Law from 2005-2010.

Professor Peroni's publications include the three-volume treatise (co-authored with Joel Kuntz), *U.S. International Taxation*, a leading casebook on energy taxation, *Natural Resource Taxation Principles and Policies* (co-authored with John Dzienkowski), the widely used casebook on international taxation, *Taxation of International Transactions* (co-authored with Charles Gustafson and Richard Pugh), *Taxation of Business Enterprises* (co-authored with Steven Bank and Glenn Coven), and *Hemingway's Oil and Gas Law and Taxation* (with Owen Anderson, John Dzienkowski, John Lowe, David Pierce, and Ernest Smith). His law review articles include *Can Tax Expenditure Analysis Be Divorced From a Normative Tax Base?: A Critique of the "New Paradigm" and Its Denouement*, 30 VA. TAX REV. 135 (2010) (co-authored with Cliff Fleming), *Worse Than Exemption*, 59 EMORY L.J. 79 (2009) (co-authored with Cliff Fleming and Steve Shay), *Perspectives on the Worldwide vs. Territorial Taxation Debate*, 125 TAX NOTES 1079 (2009) (co-authored with Cliff Fleming and Steve Shay), *Reinvigorating Tax Expenditure Analysis and Its International Dimension*, 27 VA. TAX REV. 437 (2008) (co-authored with Cliff Fleming), *Conflicts of Interest in Lawyer Referral Arrangements with Nonlawyer Professionals*, 21 GEO. J. LEGAL ETHICS 197 (2008) (co-authored with John Dzienkowski), *Exploring the Contours of a Proposed U.S. Exemption (Territorial) System*, 109 TAX NOTES 1557 (2005) (also published in 41 TAX NOTES INT'L 217 (2006)) (co-authored with Cliff Fleming), *What's Source Got to Do With It? Source Rules and U.S. International Taxation*, 56 TAX L. REV. 81 (2002) (co-authored with Steve Shay and Cliff Fleming), *The Decline in*

Lawyer Independence: Lawyer Equity Investments in Clients, 81 TEX. L. REV. 405 (2002) (co-authored with John Dzienkowski), and *Deferral of U.S. Tax on International Income: End It, Don't Mend It Why Should We Be Stuck in the Middle with Subpart F*, 79 TEX. L. REV. 1609 (2001).

PORTER SAM

Senior Counsel, Norton Rose Fulbright
Austin, Texas, USA

Sam Porter is a senior counsel in Norton Rose Fulbright's Austin office. He focuses his practice on energy transactions and projects, including project acquisitions and divestitures, project development, and tax equity and project financings. Sam draws on his experience as an in-house counsel at a solar manufacturer and developer and at an oilfield services midstream energy business to serve as a strategic legal and business advisor to his clients. Sam has led a wide variety of complex energy transactions and has significant experience with solar, wind and energy storage projects. Sam is active in the renewable energy community and serves on the board of a solar non-profit.

ROGERS ELIZABETH

Shareholder, GreenbergTraurig
Austin, TX, USA

Elizabeth C. Rogers's wide-ranging compliance background, including her role as the first Chief Privacy Officer in Texas state government, uniquely qualifies her as a cybersecurity business lawyer. Elizabeth gained extensive underlying subject matter experience, providing practical compliance counseling cybersecurity and privacy requirements, while collaborating with executive leadership and other critical stakeholders to develop the state's first official Privacy Division. She also served on the breach response team and responded to numerous security incidents. Today, her practice draws from her wide-ranging internal responsibilities, but also includes supporting breach responses, performing privacy risk assessments, and creating enterprise-wide cybersecurity compliance frameworks across multiple industries, including retail, health care, financial services, energy and retail electric providers, education, and state and local government.

Elizabeth frequently speaks and publishes on topics trending in the business community about privacy and cybersecurity. She is an Adjunct Professor, teaching Cybersecurity and Privacy law, for the Master's Program in Identity Management and Security for The University of Texas School of Information and also serves on the Council of the State Bar of Texas Computer and Technology Law Section. Outside of her law practice, she is a devoted supporter of the arts by service on the Boards of the Mexic-Arte Museum, the Texas Accountants and Lawyers for the Arts (TALA) and Kids in a New Groove (KING).

SOJOODI EMAN,
Senior Legal Counsel, Dell

SOKOLOW DAVID S., Prof.
Distinguished Senior Lecturer at the University of Texas at Austin School of Law
Austin, TX, USA

Professor Sokolow teaches Contracts, Contracts for Foreign Lawyers (to LL.M. students from civil law countries) and Business Associations. Sokolow, a five-time winner of the Teacher-of-the-Year Award, clerked for the Honorable Thomas Gibbs Gee of the US Fifth Circuit Court of Appeals, and practiced Entertainment Law at Paul, Weiss, Rifkind, Wharton & Garrison in New

York, before joining the Texas faculty in 1981. He graduated from Columbia College and Columbia Law School, and holds an M.A. in art history from Columbia and an M.B.A. from UT-Austin. As the law school's first Director of Student Life (2004-2013), he was responsible for formulating and implementing the Society and Dean's Fellows Programs. His articles include, "Fiduciary Duty a la Lyonnais: An Economic Perspective on Corporate Governance in a Financially Distressed Firm" (Journal of Corporation Law, 1996). He has been a visiting professor at SMU, Emory, Ohio State, and Case-Western Reserve.

TYLER TIMOTHY

Counsel at Vinson & Elkins LLP
Houston, TX, USA

Timothy Tyler earned his B.A. in English at Yale University in 1986. In 1994 he got his J.D. with honors at the University of Texas School of Law. Now he is with Vinson & Elkins LLP. Timothy Tyler's 16-year litigation practice emphasizes both international commercial and investor-state arbitration and U.S. litigation with a non-U.S. element. His work involving contracts with state parties has a strong focus on the oil and gas industry. In practice, he regularly advises on and drafts international arbitration clauses in contracts as well as structuring transactions to gain investment treaty protection. He has been involved in ad hoc arbitrations under the UNCITRAL rules, as well as institutional arbitrations under the rules of ICC, ICDR, ICSID, AAA, Singapore International Arbitration Centre and Cairo Regional International Arbitration Centre. In these and other proceedings, his international work encompasses particular experience with clients in Canada, Mexico, Ecuador, Central Asian States, the Middle East and Europe. Tyler has taught international commercial and investor-state arbitration at the University of Texas School of Law, where he has served as an Adjunct Professor. From 2009 to 2014, he was a Director of the international arbitration section of the University of Texas School of Law Center on Global Energy, International Arbitration, and Environmental Law. He is now on the advisory board of the Kay Bailey Hutchison Center for Energy, Law, and Business at the University of Texas.

VETTER GREG R., Prof.

University of Houston Law Center, Associate Dean, Co-Director - Institute for Intellectual Property & Information Law (IPIL)
Houston, TX, USA

Professor Vetter is a leading expert on intellectual property as applied to software, with particular emphasis on free and open source software (FOSS) licensing. His scholarship is at the intersection of software and the business of software with patent law, copyright law, and licensing law. After receiving his undergraduate degree in electrical engineering, he worked full-time for nine years as a manager in the software field, gaining expertise in enterprise software design, management, and marketing. During these years he obtained a master's degree in computer science, and an MBA, both through evening programs in Kansas City. He then obtained his JD from Northwestern University School of Law, attending from 1996 to 1999. After law school, he worked for two years at the law firm of Kilpatrick Stockton before clerking for the U.S. Court of Appeals for the Federal Circuit. Since his clerkship completed in 2002, he has served as a law professor at the University of Houston Law Center and served as a Co-Director of the Law Center's Institute for Intellectual Property and Information Law (IPIL). Since June of 2017, he has served as the Associate Dean at the Law Center.