

JOSHUA P. FERSHEE
ASSISTANT PROFESSOR OF LAW
UNIVERSITY OF NORTH DAKOTA SCHOOL OF LAW
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ACADEMIC APPOINTMENTS/TEACHING EXPERIENCE

University of North Dakota School of Law <i>Assistant Professor of Law</i> <i>Faculty Fellow for Research & Scholarship</i>	Grand Forks, ND 07/2007 – present 04/2009 – present
Pennsylvania State University, Dickinson School of Law <i>Assistant Professor of Law</i>	State College, PA 07/2006 – 05/2007
New York University School of Law, <i>Judge, NYU Lawyering Program</i> (invited participant)	New York, NY 2004
Tulane Law School, <i>Senior Fellow, Legal Research & Writing Program</i> (teaching assistant)	New Orleans, LA 8/2002 – 4/2003

TEACHING RESPONSIBILITIES/COURSES TAUGHT

- ◆ Business Associations I (Fall 2007, Fall 2008, Fall 2009)
- ◆ Business Associations II (Spring 2008, Spring 2009)
- ◆ Energy Law and Policy (Spring 2008)
- ◆ Labor & Employment Law (Fall 2008, Fall 2009)
- ◆ Property II (Spring 2009)
- ◆ Legal Research, Writing & Analysis (at Penn State Dickinson, 2006-07)
- ◆ Business Planning (at Penn State Dickinson, 2006-07)

PUBLICATIONS & WORKS IN PROGRESS

LAW REVIEWS & JOURNALS

- ◆ **“Atomic Power, Fossil Fuels, and the Environment: Lessons Learned and the Lasting Impact of the Kennedy Energy Policies”** (submitted for publication)
- ◆ **“The Rising Tide of Climate Change: What America’s Flood Cities Can Teach Us About Green Energy Policy, and Why We Should Be Worried,”** *Environmental Law* (forthcoming) (symposium issue)
- ◆ **“Struggling Past Oil: The Infrastructure Impediments to Adopting Next-Generation Transportation Fuel Sources,”** *Cumberland Law Review* (forthcoming) (symposium issue)

- ◆ **“The North Dakota Publicly Traded Corporations Act: A Branding Initiative Without a (North Dakota) Brand,”** 84 North Dakota Law Review 1085 (2008)
- ◆ **“Changing Resources, Changing Market: The Impact of a National Renewable Portfolio Standard on the U.S. Energy Industry,”** 29 Energy Law Journal 49 (2008) (peer reviewed), *excerpt reprinted in* CHRIS WOLD, ET AL., CLIMATE CHANGE AND THE LAW 699-701 (2009)
- ◆ **“Misguided Energy: Why Recent Legislative, Regulatory, and Market Initiatives Are Insufficient to Improve the Failing U.S. Energy Infrastructure,”** 44 Harvard Journal on Legislation 327 (2007)
- ◆ **“Levels of Green: Balancing State, Regional, and Federal Actions to Reduce Greenhouse Gas Emissions,”** 7 Wyoming Law Review 269 (2007) (lead symposium article)
- ◆ **“Tax Magic: Did Billy Donovan Pull Income Out of a Hat?,”** 116 Tax Notes 389 (2007) (with Jeffrey H. Kahn)
- ◆ **“From Self-Determination to Self-Domination: Native Americans, Western Culture, and the Promise of Constitutional-Based Reform,”** 39 Valparaiso Law Review 1 (2004) (lead article)
- ◆ **“Aviall Services v. Cooper Industries: The Fifth Circuit Makes Securing CERCLA Contribution for Environmental Cleanup a Messy Proposition,”** 76 Tulane Law Review 1749 (2002) (case note)

BOOKS & BOOK CHAPTERS

- ◆ ENERGY LAW, A CONTEXT AND PRACTICE CASEBOOK, Context and Practice Series, edited by Michael Hunter Schwartz, Carolina Academic Press (under contract, anticipated 2012)
- ◆ Chapter on Renewable Energy Mandates and Goals *in* THE LAW OF CLEAN ENERGY: EFFICIENCY AND RENEWABLES, edited by Michael B. Gerrard, Professor of Professional Practice, Director, Center for Climate Change Law, Columbia Law School (in progress)
- ◆ ABA SECTION OF ANTITRUST LAW, STATE ANTITRUST PRACTICE AND STATUTES, (4th ed. 2009) (Updated and Revised Treatise Chapter 37: State of North Dakota)

WORKS IN PROGRESS

- ◆ **“Balancing Power: Rethinking Renewable Energy Standards”** (working title)

PERIODICALS

- ◆ **“Bailout Has to Have Strings: GM as Deserving as Bear Stearns, However Taxpayers Need Protection,”** Lansing State Journal (Sept. 7, 2008)

- ◆ “States Get Together on Greenhouse Gases,” *Legal Times*, at 36 (June 12, 2006) (with Mary Anne Sullivan)

PROFESSIONAL PRESENTATIONS, CONFERENCES & PROGRAMS

INVITED/ACCEPTED PRESENTATIONS

DIVERSIFY YOUR PORTFOLIO: REGULATING ENERGY SOURCES WITH RENEWABLE ENERGY PORTFOLIO STANDARDS

Williamsburg, VA

William and Mary Environmental Law and Policy Review

scheduled: 01/2010

- ◆ “Balancing Power: Rethinking Renewable Energy Standards” (invited speaker)

CORPORATE GOVERNANCE AND SHAREHOLDER RIGHTS IN A TIME OF FINANCIAL CRISIS: HOW THE NORTH DAKOTA PUBLICLY TRADED CORPORATIONS ACT CHANGES THE LANDSCAPE

Bismarck, ND

North Dakota Law Review & University of North Dakota School of Law

06/2009

- ◆ “The North Dakota Publicly Traded Corporations Act: A Branding Initiative Without a (North Dakota) Brand” (symposium speaker)

GREENING THE GRID: BUILDING A LEGAL FRAMEWORK FOR CARBON NEUTRALITY

Portland, OR

Oregon Law Institute, Lewis & Clark Law School, and Environmental Law

04/2009

- ◆ “Going, Going, Green or Going, Going, Gone?: The Need for a Comprehensive U.S. Energy Policy to Achieve a Greener Planet and How to Get One” (symposium speaker)

TRANSPORTATION ENERGY POLICY IN NATIONAL AND GLOBAL PERSPECTIVE: A NEW BEGINNING?

Birmingham, AL

Cumberland School of Law, Samford University

02/2009

- ◆ “Struggling Past Oil: The Infrastructure Impediments to Adopting Next-Generation Transportation Fuel Sources” (symposium speaker)

JFK: HISTORY, MEMORY, AND LEGACY: AN INTERDISCIPLINARY CONFERENCE AND COMMUNITY EVENT

Grand Forks, ND

University of North Dakota

09/2008

- ◆ “Atomic Power, Fossil Fuels, and the Environment: Reconciling the Energy Policies of the Kennedy Years” (abstract accepted, panel speaker: Domestic Economic and Energy Policy)

CSLSA ANNUAL CONFERENCE, SOUTHERN ILLINOIS UNIVERSITY

Carbondale, IL

Central States Law Schools Association

10/2008

- ◆ “Ending America’s Addiction to Oil: Learning Lessons from the Law’s Role in Prior Fuel Sources Changes” (abstract accepted for presentation)

ENERGY BAR ASSOCIATION MID YEAR MEETING Washington, DC

Energy Bar Association

11/2007

- ◆ Overview speaker and panel moderator: The Pros and Cons of a National Renewable Portfolio Standard

WYOMING ENERGY DEVELOPMENT: A COMMUNITY AND REGULATORY ASSESSMENT Laramie, WY

Wyoming Law Review, University of Wyoming School of Law

02/2007

- ◆ Invited Presenter: Levels of Green: State and Regional Efforts, in Wyoming and Beyond, to Reduce Greenhouse Gas Emissions. Symposium participants included: U.S. Senator Mike Enzi, late U.S. Senator Craig Thomas, and Rob Hurless, Energy Advisor to Wyoming Governor Dave Freudenthal

PROFESSIONAL DEVELOPMENT

UNIVERSITY OF NORTH DAKOTA SCHOOL OF LAW

Grand Forks, ND

Alice T. Clark New Faculty Mentoring Program

9/2007 – 4/2008

- ◆ Participant

ASSOCIATION OF AMERICAN LAW SCHOOLS

Washington, DC

AALS Annual Meeting

01/2008

- ◆ Attended the AALS annual conference. Topic for 2008: *Reassessing Our Roles as Scholars and Educators in Light of Change*. The AALS “serves as the learned society for law teachers and is legal education’s principal representative to the federal government and to other national higher education organizations and learned societies.”

ASSOCIATION OF AMERICAN LAW SCHOOLS

Washington, DC

AALS New Law Teacher’s Conference

06/2007

- ◆ Attended conference for all new law teachers entering the academy in 2007, which focused on teaching theory, practical classroom techniques, and scholarship

SERVICE

PROFESSIONAL

AMERICAN BAR ASSOCIATION

Washington, DC

- ◆ Member, Section of Environment, Energy, and Resources (2005–present)
 - Section Leadership: Vice Chair, Constitutional Law Committee, Section of Environment, Energy, and Resources (2006–present); Vice Chair, Restructuring of the Electric Industry Committee (2008–present)
- ◆ Member, Section of Legal Education and Admissions to the Bar (2007–present)
- ◆ Member, Young Lawyers Division (2004–present)

ENERGY BAR ASSOCIATION

Washington, DC

- ◆ Co-Chair, Professional Development Committee (2008–present)
- ◆ Member, Legislation Committee (2007–present)

- ◆ Member, Renewable Energy Committee (2007–present)
- ◆ Member, Electricity Regulation Committee (2007–present)
- ◆ Member, Environmental Protection and Regulation Committee (2006–2007)
- ◆ Member, Judicial Review Committee (2006–2007)

UNIVERSITY OF NORTH DAKOTA SCHOOL OF LAW

- ◆ Chair, Curriculum Committee (2008–present)
- ◆ North Dakota Law Review Faculty Advisor (2009 – present)
- ◆ Member, Academic Affairs Committee (2007–2009)
- ◆ AALS Representative to Annual Meeting (2007–2008)
- ◆ Member, Readmissions Committee (2007–2008)
- ◆ Judge, Moot Court Competition (2007–2008)
- ◆ Faculty Advisor, Phi Alpha Delta (2007–2008)
- ◆ Elected Law School Senator to UND Senate (2008–present)

UNIVERSITY OF NORTH DAKOTA

- ◆ Member, UND Council on Sustainability, Education Committee (2009 – present)
- ◆ Member, Petroleum Research, Education, and Entrepreneurship Center of Excellence (PREEC) (2009 – present)
- ◆ Chair, University Senate Legislative Affairs Committee (2009 – present)
- ◆ Member, Energy Task Force (2008 – present)
- ◆ Member, Sustainable Energy Research Initiative and Supporting Education (SUNRISE) Group (2008 – present)

EDUCATION

Tulane Law School, J.D., 2003 New Orleans, LA

- ◆ *Magna cum laude*, Order of the Coif
- ◆ Editor in Chief, Tulane Law Review, Volume 77
- ◆ Certificate in International Commercial Arbitration
- ◆ Aegean Institute of the Law of the Sea and Maritime Law, Summer Abroad – 2001 (Greece)
- ◆ Awards: Academic Leadership Award; CALI Awards (for highest grade in course): State & Local Taxation; Business Enterprises: Corporations; Health Care Law

Michigan State University, B.A./Social Science, 1995 East Lansing, MI

- ◆ Dean’s List (Spring Semester 1995)

PROFESSIONAL EXPERIENCE

LEGAL EXPERIENCE

Hogan & Hartson, LLP Washington, DC
Associate; Attorney, Government Regulation (Energy Group) 10/2004 – 8/2006

- ◆ Represented corporations, cooperatives, individuals, and Native American tribes in energy transactions and in actions pending before the Federal Energy Regulatory Commission

(FERC), the Department of Justice, the Nuclear Regulatory Commission, state utility commissions, and state and federal courts; served as regulatory counsel for renewable energy transactions

Davis Polk & Wardwell New York, NY
Associate; Attorney, Corporate (Summer Associate 2002) 10/2003 – 10/2004; 5/2002 – 8/2002
◆ Represented clients in corporate and transactional matters including mergers & acquisitions, derivatives, and securities regulation

Breazeale Sachse & Wilson, LLP New Orleans, LA
Summer Associate, Litigation 7/2001 – 8/2001
◆ Assisted clients with commercial litigation, arbitration and class action-related matters

OTHER PROFESSIONAL EXPERIENCE

Douglas * Cohn & Wolfe Los Angeles, CA
Account Supervisor 4/2000 – 7/2000
◆ Developed creative public relations programs, marketing strategies, and media outreach plans to secure press coverage, increase brand awareness, and generate consumer and business-to-business interest for clients, including large video game clients and a major U.S. law firm; supervised and coordinated integration of employees following PR agency acquisition

Golin/Harris International Los Angeles, CA
Account Supervisor 10/1998 – 4/2000
◆ Developed creative public relations programs, marketing strategies, and crisis communications plans to secure media coverage, recruit new employees, and generate consumer interest for clients; managed and supervised budget for, at the time, the largest Los Angeles-based PR agency account (Nintendo); responsible for more managing more than \$1.5 million of the \$3 million+ annual account budget

Entertainment Software Association Washington, DC
Membership and Research Manager 7/1995 – 10/1998
◆ Tracked and analyzed academic research, industry trends, consumer demographics, and media for outreach, lobbying activities, and as part of crisis communications preparation for video game industry; conducted intellectual property and anti-piracy training sessions for law enforcement officials (e.g., U.S. Customs and FBI), media, and other key audiences

Additional Employment

- ◆ **State of Michigan Treasury Department**, Governor's Internship Program; Sales, Use, and Withholding Tax Division, (summer 1990); Discovery (Tax) Division (summer 1989)

LICENSES

Admitted to Practice: New York (2004) and Washington, DC (2005)