

A Review of Energy Law Education in the United Kingdom

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1. Introduction

Energy law is one of the fastest growing areas in legal practice and in academia. There are many reasons for this and an exploration of them forms part of the motivation for this article. For such a fast-growing discipline it is also important to reflect on the features that give cohesiveness to its curriculum development: how it is taught; who is teaching it and where it is being taught; and what content is given to the curriculum offered? Is it, for example, national in focus or international, or both? A recent review on the state of energy law education in the US, *Energy Law Education in the U.S.: An Overview and Recommendations*⁵ ('the US Review'), demonstrates the scale and ambition of energy law education in that country. This article complements that exercise by providing a review of energy law education in the UK as at 2016. By comparing and contrasting the two approaches, we can glean some distinctive features of the UK approach.

In the US there exists an *Energy Bar Association*⁶ that is comprised of professionals and academics; however, no comparable association exists in the UK. More recently, in 2015 academics and practitioners formed the *UK Energy Law and Policy Association*⁷, which aims to bridge the gap between energy law academics and practitioners. This mixed constituency contrasts with that of the *US Energy Bar Association*, which has its roots directly in private practice. It may be noted that there are several other energy-related associations in the UK, but these take as their focal point a specific energy source: for example, nuclear energy⁸ and petroleum⁹.

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⁵ US Energy Bar Association (Donna Attanasio, Committee Chair), 2015. Energy Law Education in the U.S.: An Overview and Recommendations. *Energy Law Journal*, 32, 217-260.

⁶ US Energy Bar Association. See the website, available at: <http://www.eba-net.org/> (last accessed June 2016).

⁷ UK Energy Law and Policy Association. See the website, available at: <http://www.energylaw.org.uk/> (last accessed June 2016).

⁸ This is led by the UK group of the International Nuclear Lawyers Association. See the website, available at: <http://aidn-inla.be/> (last accessed June 2016).

⁹ This is led by the UK group of the Association of International Petroleum Negotiators. See the website, available at: <https://www.aipn.org/> (last accessed June 2016).

Our approach is to take the structure of the Energy Bar Association report and compare education on energy law between the two jurisdictions. The article begins with some reflections on what energy law means in the respective jurisdictions and notes what is arguably distinct about the UK approach (section 2). It then provides an overview of energy law scholarship in the UK, exploring what it is and how it has developed (section 3). It goes on to examine what the purpose of offering an energy law curriculum is (section 4), before discussing how the awareness of the field of energy law has developed in the UK (section 5). In this context, it details its institutional expansion through the emergence of distinct university-based centres of Energy Law; new Energy Law programmes; centres with Environmental and Climate Change Law; new academic positions; and academic and practitioner events in this specialist field. A brief summary follows of the teaching of energy law and what programmes and modules are available (section 6). The penultimate section focuses on how energy law education engages with practitioners and offers some pathways forward (section 7). Finally, it takes a look at the future and particularly considers the conclusions reached by the US Review and their relevance to the positioning of energy law education and practice in the UK.

2. What is Energy Law?

There has been little reflection on what energy law actually is by the academic community in the UK¹⁰. This is not unusual. A brief examination of many of the key texts in energy law whether they focus on Australia, the European Union (EU) or the United States reveals that few elaborate on what energy law is.¹¹ Indeed, many of the general texts on energy law are in their second or third (or even later) editions and they do not actually engage in the debate. Even among the few exceptions, the authors have only inserted it into the later editions (i.e. in the second, third or fourth editions) by way of contributing to the discussion.¹²

In this respect, the US Review provides some guidance or at least a starting point for a reflection process. It describes energy law as “a multi-faceted set of statutes, regulation and federal and state policies that govern the development and use of energy resources and energy-related facilities and the pricing of services from those facilities”.¹³ Energy law covers “the development of natural resources used to produce energy, project finance and other financing structures related to energy facilities development, the

¹⁰ Early academic literature on what energy law is seems to have originated in Australia, for example: Bradbrook, A. 1996. Energy Law as an Academic Discipline. *Journal of Energy and Natural Resources Law*, 14 (2), 193 – 217.

¹¹ Readers will find there are circa 12-15 key texts on energy law and most focus on these countries – the US, EU and Australia – although increasingly there are others.

¹² For example, in Eisen, J. *et al.* 2015. (4th Ed.). *Energy, Economics and the Environment: Cases and Materials*. Foundation Press: MN, US; and however, in the first edition of Zellmer, S. B. and Laitos, J. G. 2014. *Natural Resources Law*. West Academic Publishing: MN, US. However, it should be noted that in Roggenkamp *et al.* (2016) there is a very brief discussion of what energy law is, and it has remained that way throughout each edition, but the discussion is very limited - Roggenkamp, M. M., Redgwell C., Ronne, A. and Del Guayo, I. 2016. (3rd ed.). *Energy Law in Europe*. Oxford University Press, Oxford, UK.

¹³ P. 220. US Energy Bar Association (Donna Attanasio, Committee Chair), 2015. Energy Law Education in the U.S.: An Overview and Recommendations. *Energy Law Journal*, 32, 217-260.

reliable transportation and delivery of energy to consumers, the regulation and pricing of energy services provided to the public, the development of state and federal policy to promote or discourage the use of particular types of energy resources, the formulation and operation of both domestic and world markets to promote the efficient pricing and allocation of resources ranging from oil to natural gas to electricity, and policies to promote the efficient use of energy in the populace”.¹⁴

Immediately, one can detect some differences in approach between these definitions and a definition appropriate to the UK context. To begin with, there is no federal state structure. The devolved constitutional structure of the UK has some relevance for energy matters but nothing comparable to that of a federal state. Just as importantly, another difference, albeit one that is now rapidly evolving, is the legal relationship with the European Union. There is much EU law that is concerned with energy matters and that body of law is also part of energy law in the UK. Yet another difference would be in the field of ownership of energy resources, where the UK follows the pattern of most countries in the world and provides for only state ownership of resources while they are in the ground, lacking the diversity of property rights evident in the US. Finally, with respect to education, one might detect another difference. The scale of natural resource development in the US, together with the size and maturity of the domestic market economy and a complex legal system based firmly on the Rule of Law, make the US unique in energy law jurisdictions. The outward-looking character of most European economies, especially the UK, coupled with their energy importing requirements, give them an interest in nurturing an international perspective on energy law. It is possible to practice energy law in London without having British clients or having knowledge of specifically British-owned or -regulated resources. Similarly, it is possible to teach energy law in the UK as an international or transnational body of rules and standards to a body of students that are often not UK or even EU citizens. While these features can both be expected in the US context, they are unlikely to be present on anything like the same scale.

Although useful as a starting point, the Energy Bar Association’s specification of what energy law involves and the list their article sets out¹⁵ offers little of a theoretical character (nor does it pretend to do so). Yet there is a connection between the design of a sound curriculum and a rigorous conceptual understanding of the subject. Not surprisingly, therefore, the growth in academic interest in energy law has led to a renewed focus on exploring what is meant by energy law. This has been promoted by a number of new initiatives. There was a workshop on ‘The Development of a Theory of Energy Law’ in Helsinki, a collaborative effort between Finnish and UK academia.¹⁶ A number of articles have recently been published that explore this subject in some

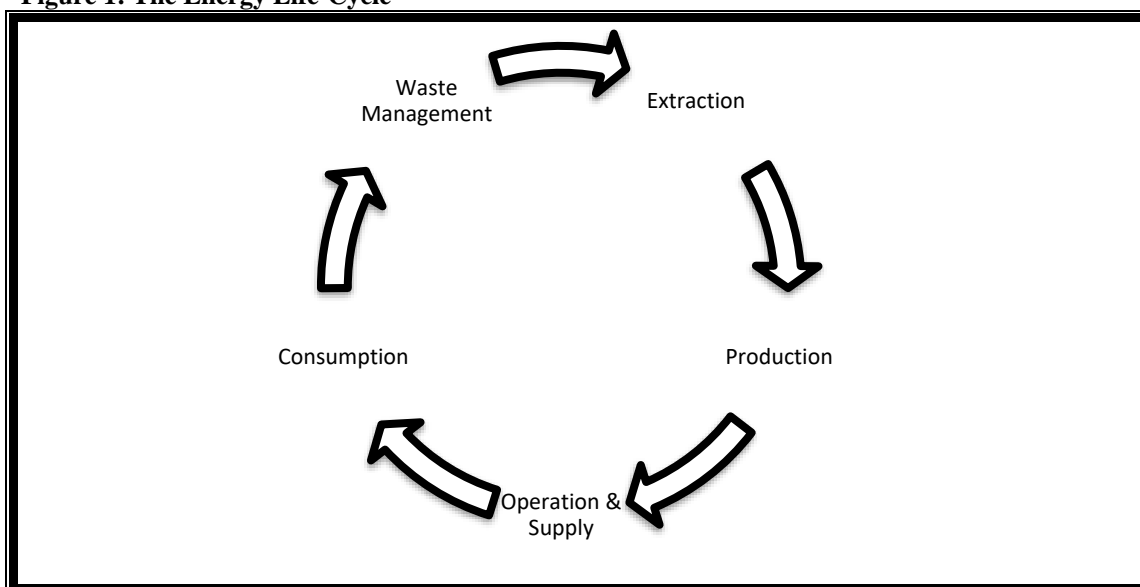
¹⁴ P. 220. US Energy Bar Association (Donna Attanasio, Committee Chair), 2015. Energy Law Education in the U.S.: An Overview and Recommendations. *Energy Law Journal*, 32, 217-260.

¹⁵ p. 220. US Energy Bar Association (Donna Attanasio, Committee Chair), 2015. Energy Law Education in the U.S.: An Overview and Recommendations. *Energy Law Journal*, 32, 217-260.

¹⁶ This workshop entitled ‘The Development of the Theory of Energy Law’, took place in Helsinki, Finland (November 2015). It was a joint collaboration between Professor Kim Talus (University of Eastern Finland & University of Helsinki) and Dr. Raphael Heffron (Queen Mary University of London).

detail.^{17,18} Building on these recent contributions, this article treats energy law as concerning the management of energy resources and the rights and duties over all energy activities over each stage of energy lifecycle (which is diagrammatically represented in Figure 1) and at the local, national and international level.¹⁹ This includes all of primary and secondary energy, renewable and non-renewable energy and conventional and unconventional energy.

Figure 1: The Energy Life-Cycle



Source: Adapted by the authors from the: US EPA, Climate Change and the Life Cycle of Stuff, available at <http://epa.gov/climatechange/climate-change-waste/life-cycle-diagram.html> (last accessed, March 2016).

This approach with its emphasis on the energy life-cycle is evident, even if implicitly, in the US Review. There is some symmetry therefore between the US Review's authors thinking and that of this article.

To conclude, the clarification of a definition of energy law is needed so as to establish what should be included in an energy law curriculum, and so it can be further established who researches in the area, and who has the expertise to teach the curriculum. In addition there is the need to have a definition to which other disciplines can relate,²⁰ and especially when energy research is a very interdisciplinary research area.

3. Energy Law Scholarship in the UK

¹⁷ Heffron, R. J. and Talus. K. 2016. The Evolution of Energy Law and Energy Jurisprudence: Insights for Energy Analysts and Researchers. Energy Research and Social Science. Doi: 10.1016/j.erss.2016.05.004.

¹⁸ Heffron, R. J. and Talus. K. 2016. The development of energy law in the 21st century: a paradigm shift? Journal of World Energy Law and Business. Doi: 10.1093/jwelb/jww009.

¹⁹ This definition is a working definition and should be viewed as such.

²⁰ This is discussed in greater detail in: Heffron, R. J. and Talus. K. 2016. The development of energy law in the 21st century: a paradigm shift? Journal of World Energy Law and Business. Doi: 10.1093/jwelb/jww009.

One distinguishing feature of the UK is that with the growth of energy law, more and more people could be said to have ‘dropped’ into energy law and now classify themselves as energy law scholars; this in part calls for a revision of what energy law is in itself and also what is energy law education is intended to mean.²¹ In the past five years there are more and more researchers at universities listing energy law as a one of their research specialties. While this information is not systematically recorded²² it can nevertheless be proved through, for example, the many new modules and degree programmes on energy law that have arisen in the UK over this time period; and this will be discussed in more detail in section five.

The promotion of energy law teaching at university level has not occurred solely due to pressure from legal academics in general. Rather, this has been in many cases part of a major push from central university committees who have been and are promoting multi-disciplinary energy research across the university.²³ Faculties, Departments or Schools of Law (hereafter, ‘Law Schools’) have therefore been supported to some degree in developing new energy law modules and curricula. In some cases, the value of an energy law academic is seen through increasing grant income into the Law School, and interacting with other disciplines. Indeed, many universities across the UK have strategic areas of research focus and these generally include energy research itself, and also environmental, health and climate research, to all of which energy law can contribute. Thus the value of the energy law scholar is increasing.

Law firms define their practice areas in response to client demands for assistance (and in the expectation that meeting those demands will lead to suitably attractive levels of fee generation). Energy companies who lack in-house legal resources capable of fully covering the legal needs of the company (which is most of them – even the largest of the energy companies does not keep all of the potentially applicable energy law disciplines under its roof) will go to an external law firm to help them - and recourse to a law firm with professed specialist energy law skills makes obvious sense. Indeed, the recent collapse of oil and gas prices has seen some companies reduce the internal legal headcount and increase the degree of reliance on suitably skilled external counsel. That, from a law firm's perspective, makes clear the demand side of the equation, but it is also necessary to match that with the supply of suitably trained lawyers. Thus, law firms will need to hire and develop lawyers (at every level of qualification, from trainee to partner) with the right mix of academic and practical skills in the relevant energy law disciplines.

4. Purpose of offering an Energy Law Curriculum?

There are a number of key purposes of offering an energy law curriculum that have been advanced from a UK perspective, and these are:

²¹ This would be in comparison to the US where scholars and practitioners have classified themselves as energy law scholars for a comparatively longer time.

²² The information is not recorded but can easily be observed by exploring publication records. Many scholars have only been producing energy law scholarship over the last five years and indeed many acknowledge it is now a new area of focus.

²³ In some cases where energy law staff have switched universities in the UK, pressure to employ an energy law academic came from other disciplines and central university rather than the lawyers at the law school themselves.

1. to unite a subject previously seen more as a special element in other, separate subject areas;
2. to contribute to the international community's response to energy problems which cause damage to society;
3. due to the growth in demand for energy lawyers (careers in energy law); and
4. its potential contribution to comparative law scholarship (energy law is a comparative law subject by nature).

Indeed these reasons echo those of Adrian Bradbrook from his aforementioned seminal article.²⁴ The US Energy Bar Association has declared similar reasons for the need to offer an energy law curriculum.²⁵ The conclusion here is that there will be different purposes advanced by different scholars and practitioners but that overall an energy law curriculum is valuable to a law school.

In this view, a new or potential energy law scholar and practitioner needs not only prior knowledge of core legal subjects (such as public, contract, tort and property law) but also needs to be introduced to interdisciplinary intersections of the subject. This is why 'an energy law & policy' general subject should be at the core of any energy law program – and as Adrian Bradbrook advocated 20 years ago.²⁶

Energy law is unlikely ever to be a core law subject and it is more a specialist final year undergraduate course or masters course module (or programme). This is because the energy law student needs to have developed a good grounding in law before studying it; ideally, they will have taken courses in contract, tort and property law, and perhaps, public and international law should be added to this; and others possibly such as planning law, environmental law, commercial law, competition law, and law and economics.

In utilising Bradbrook's arguments, energy law is an applied legal subject that builds on pure legal subjects (identified as those which a student needs to pass for qualification, i.e. such as tort, contract and property/land law) and thus it is actually a suitable subject matter for students to learn so that they can apply the skills learned in the pure law subjects in an applied way. The US Bar Association has a similar view, stating that contract and property law are nearly necessarily prerequisites to studying energy law, but equally now so are public administrative law, international law and some level of economics.²⁷

It can be advanced that given the important role that the energy sector plays in national economics in the majority of countries worldwide, it is vital to have energy law as part of, or at least give students the opportunity to study it on, a legal curriculum – a

²⁴ Bradbrook, A. 1996. Energy Law as an Academic Discipline. *Journal of Energy and Natural Resources Law*, 14 (2), 193 – 217.

²⁵ Bradbrook, A. 1996. Energy Law as an Academic Discipline. *Journal of Energy and Natural Resources Law*, 14 (2), 193 – 217.

²⁶ Bradbrook, A. 1996. Energy Law as an Academic Discipline. *Journal of Energy and Natural Resources Law*, 14 (2), 193 – 217.

²⁷ US Energy Bar Association (Donna Attanasio, Committee Chair), 2015. Energy Law Education in the U.S.: An Overview and Recommendations. *Energy Law Journal*, 32, 217-260.

sentiment echoed also by the US Energy Bar Association.²⁸ Indeed, already energy law has been trialled as an option for undergraduates with some success in the UK.²⁹

5. Raising awareness of the field of Energy Law?

The field of energy law is expanding at university level and this is contributing to raising the awareness of the field of energy law. This is evident in the new programmes now offered by many universities and the new academic positions offered across universities in the UK. Within the last five years specifically, there have been significant developments with new LLM programs, a new energy law institute and a number of new posts directly in energy law as is detailed in the subsections below.

(i) Centres of Energy Law

There are three dedicated Energy Law centres in the UK. The Centre for Energy, Petroleum and Mineral Law and Policy at the University of Dundee is the oldest and remains the largest and most influential in the UK and internationally. It began in 1977, and approaches its 40th anniversary year next year. Its focus initially was on oil and gas law in the UK, at that time a very novel subject. In its second decade, it shifted focus to international energy law with programmes aimed exclusively at graduate students most of whom originated from outside of the UK and indeed even from outside the EU. The emphasis on law remained but was accompanied by a new emphasis on policy and the introduction of an energy economics programme. This provided the basis for a series of substantial research grants from The World Bank, the European Commission and the UK Department for International Development. Links with practice were fostered by means of a global faculty, which has grown to more than 100 legal practitioners, economists, civil society and industry negotiators.

The Centre for Energy Law at the University of Aberdeen is far younger than Dundee, but has built up a significant international reputation. It is a virtual (online) energy law centre and while its focus is mainly on oil and gas law, it has moved into teaching energy law and law for low-carbon energy sources.

In contrast to Dundee and Aberdeen, the Energy and Natural Resources Law Institute at Queen Mary is more recent and began in 2013. It has seen a remarkable rise and currently has *circa* 40 students on its LLM in Energy and Natural Resources Law. It also has received significant external support from law and energy firms.

(ii) New Energy Law programmes

Again, Aberdeen and Dundee have led progress here for several decades. Over the last decade (mostly within the last five years), however, these two universities have seen competition rise and there are now energy law programmes in many universities such as listed below:

²⁸ p. 217. US Energy Bar Association (Donna Attanasio, Committee Chair), 2015. Energy Law Education in the U.S.: An Overview and Recommendations. *Energy Law Journal*, 32, 217-260.

²⁹ This was at the University of Stirling (2012-13) where it proved to be one of the most popular an option subjects.

- Queen Mary University of London
- University of Stirling
- University of Reading
- University of East Anglia
- University of Wolverhampton
- University of East London
- University of Derby
- University of Central Lancashire
- Nottingham Trent University
- Robert Gordon University
- Swansea University
- City University

Further, many universities now offer energy-law-related subjects, so perhaps more universities will consider introducing energy law programmes in the near future.

(iii) Centres with Environmental and Climate Change Law

Energy law is the focus within other centres of law where it is generally grouped with environmental law or climate change law. For example, in particular, these are based at the University of Swansea (The Centre for Environmental and Energy Law and Policy³⁰) and the University of Cambridge (Cambridge Centre for Environment, Energy and Natural Resource Governance³¹). Both focus on environmental and/or climate change law specifically, with both having a very limited number of staff conducting energy law research.

(iv) New Academic Positions

More universities than ever before are recruiting for positions in energy law. Dundee and Aberdeen have long established professorships and lectureships in energy law – though Dundee has the only named Professorship – the Professor of International Energy Law and Policy. The more exciting recent developments have been at other institutions such as the Universities of Cambridge, Stirling, Queen Mary, and Wolverhampton, which have all directly recruited for positions in energy law..³²

The impact of these posts is significant for the development of energy law education in general. However, in terms of law schools more broadly, the question arises whether

³⁰ This centre while it has ‘energy’ in its name states that its research focus is on sustainable development in law and currently offers limited if any teaching or research on energy law. See the website, available at: <https://www.swan.ac.uk/ceelp/> (last accessed, June 2016).

³¹ It should be noted that is a primarily environmental law research driven institute as the mission statement of the centre states: “core mission is to conduct integrative research on the governance of environmental transitions, understood as social and technological processes driven by environmental constraints that lead to fundamental changes in social organisation.” See the website, available at: <http://www.cdeenrg.landecon.cam.ac.uk/> (last accessed, June 2016).

³² For example: Queen Mary – Senior Lecturer (Associate Professor) in Energy and Natural Resources Law (2015); University of Wolverhampton – Senior Lecturer in Oil and Gas Law (2016); University of Stirling – Chair in Energy Law (Professorship) (2016); and University of Cambridge – Postdoc in Energy Law (2014-15). In June and July 2016, both the Universities of Aberdeen and Edinburgh included energy law, and oil and gas law respectively under specialties they would accept applications from for lectureship positions.

this will be the start of a trend. Indeed, will it develop in a manner similar to the US, where the majority of law schools have energy law professors?³³ There is no doubt – and it is explored in the next section – that teaching energy law to students and its availability to them is becoming increasingly valuable. The energy sector is becoming a vital part of the economy and increasingly there is overlap with other areas of law, so the option for students to study energy law is becoming increasingly relevant. Already mentioned has been the development of the interdisciplinary energy research agenda by universities centrally and this has meant a further call for energy law academics. The above positions are ‘titled’ energy law positions, but equally academics have been employed to conduct energy law research at a number of other universities. There is perhaps a shortage of supply of academics coming through with the expertise and, indeed, Cambridge had to advertise twice for its position.

(v) Academic and Practitioner Events

Increasingly, there are also more academic and practitioner events that focus on energy law. In general there have always been events for energy law practitioners in London, Aberdeen, Dundee and Brussels, but these have in general related specifically to an energy source or activity (such as the electricity market, extraction, etc.). However, in addition more recently events that aim to cover the sector more holistically are emerging – such as the Thomson Reuters Energy Law Business Forum³⁴ and the UK Energy Law and Policy Association’s first conference in 2015.³⁵

Energy Arbitration is another significant area for energy law conference activity and there are many events that focus directly on energy arbitration in the UK. There are also those on arbitration in general which will have a focus on the energy sector in a number of different sessions. And finally, for the first time ever in 2016, there will be a focus on energy law at the UK Society for Legal Scholars³⁶ annual conference.

(vi) Energy Law Journals

It is instructive to note that in the UK the leading energy law journals are practitioner-led (the AIPN’s Journal of World Energy Law and Business and the IBA’s Journal of Energy and Natural Resources Law) or commercially driven (Sweet & Maxwell’s International Energy Law Review) and are not issued by any of the perceived energy law universities (in sharp contrast to the US - see e.g. the Texas Law Journal).

6. Teaching Energy Law

³³ For further details on which schools, see the US Review.

³⁴ This Thomson Reuters event has been held in 2013, 2014 and 2015. For more information on the 2015 event, see: <http://practicallawconferences.com/energy-law-business/agenda/> (last accessed June 2016).

³⁵ For more information on the UK Energy Law and Policy Association’s 2015 event, see: <http://energylaw.org.uk/annual-event-2015/> (last accessed June 2016).

³⁶ The UK Society for Legal Scholars is “The Society of Legal Scholars is a learned society with charitable status whose aim is the advancement of legal education and scholarship in the United Kingdom and Ireland. The Society is the learned society for those engaged in law teaching and/or legal scholarship”. For more on the Society for Legal Scholars, See the website, available at: <http://www.legalscholars.ac.uk/about-the-society/> (last accessed, June 2016).

Teaching in energy law has moved beyond just oil and gas law in the UK. It now includes a whole range of subjects including focusing on low carbon energy sources and other parts of the energy life-cycle.

Table 1 below identifies the energy law programmes available in the UK and in all cases where a student studies for an LLM degree.

Table 1: Postgraduate Degree Programmes (LLM Degrees) in Energy Law

| |
|--|
| <ul style="list-style-type: none"> • Energy and Natural Resources Law • International Energy Law & Policy • Oil and Gas Law • Oil and Gas Law and Policy • Transnational Oil, Gas and Energy Law • Energy Law • Energy Law & Policy • Mineral Law & Policy • Natural Resources Law & Policy • Petroleum Finance and Taxation • Oil, Gas and Mining Law • International Energy Law & Regulation • Energy and Environmental Law |
|--|

Source: Constructed and data collected by authors (2016)

Table 2 below identifies the range of subjects offered in the three energy law centres in the UK; however, it should be noted that the nearly 50 *per cent* of UK universities now offer a selection of similar and other different energy law modules.

Table 2: The Range of Energy Law Subjects offered in the UK

| Energy Law Centres/University/Subjects Offered |
|---|
| Centre for Energy, Petroleum and Mineral Law and Policy, University of Dundee |
| <ul style="list-style-type: none"> • Downstream Energy Law and Policy • International Petroleum Law and Policy • International Law of Natural Resources and Energy • National and Comparative Oil and Gas Law • Environmental Law and Policy for Natural Resources and Energy • Legal Framework for International Project Finance • International Relations and Energy and Natural Resources • International and Comparative Mineral Law • Oil and Gas law - Commercial Contracts Matrix • Politics of the Environment and Climate Change • Transatlantic Negotiation Simulation Exercise • International Arbitration: Practical Exercises • International Law: Transnational Legal Problems Facing Extractive Industries • Structuring and Documenting International Mining Transactions • Energy Economics: The Issues |

| |
|--|
| <ul style="list-style-type: none"> • Energy Economics: The Tools |
| Centre for Energy Law, University of Aberdeen |
| <ul style="list-style-type: none"> • Oil and Minerals for Good • Energy, Innovation and Law • Low Carbon Energy Transition: Renewable Energy Law • Oil and Gas Law • Principles of Environmental Regulation • Low Carbon Energy Transition: Nuclear Energy and Carbon Capture and Storage • Corporate Environmental Liability • Downstream Energy Law • International Investment Arbitration in the Energy Sector • State Control of Hydrocarbons • Contracting in Hydrocarbon Operations • Oil and Gas Law Taxation of Upstream • International Energy and Environmental Law • Legal and Environmental Issues for Unconventional Hydrocarbons |
| Energy and Natural Resources Law Institute, Queen Mary University of London |
| <ul style="list-style-type: none"> • International Energy Transactions • International and Comparative Petroleum Law and Contracts • Mining and Natural Resources • Energy Law: Renewable and Nuclear • Energy Law and Ethics • Energy Economics: A Legal Perspective • Energy Economics: Applied Analysis • United States Energy Law, Regulation and Policy • International Arbitration and Energy • International Regulation and Governance of Energy |

Source: Constructed and data collected by authors (2016)

It is clear from the above two tables, and the fact that nearly 50 *per cent* of UK universities have energy-law-related modules, that energy law has taken a foothold in legal education in the UK.

7. Beyond the classroom – Engaging with Practitioners in the UK

Many UK energy law academics already engage with energy law practitioners in the UK and internationally. See for example, some of the key works on energy law where UK academics have collaborated with practitioners, such as:

- *EU Energy Law*³⁷ – written with an energy practitioner; and
- *Legal Aspects of EU Energy Regulation*³⁸ – an edited collection with contributions from practitioners from every member state in the EU.

³⁷ Johnston, A. and Block, G. 2013. *EU Energy Law*. Oxford University Press: Oxford, UK.

³⁸ Cameron, P.D. and Heffron, R.J. 2016. (Eds.). (2nd Ed.). *Legal Aspects of EU Energy Regulation*. Oxford University Press, Oxford, UK. (*Forthcoming*).

- *UK Oil & Gas Law*³⁹

In terms of teaching energy law, this has been a long tradition in Dundee of engaging with practitioners and certainly Queen Mary is also doing similar things. Indeed the teaching philosophy for the Energy and Natural Resources Law Institute at Queen Mary is “*to blend academic and practitioner rigour*”.⁴⁰ However, there are more initiatives to engage with practitioners such as: internships for energy law students; engaging with potential students and law staff on their energy law events; and practitioner-led (assisted) dissertations.

Nevertheless, perhaps there needs to be more encouragement by law firms to ensure that their staff contribute in this way and equally that universities are more receptive to it. From the law firm's perspective, apart from the obvious educational benefits, assisting in the academic side of the business can be a great way of making contacts which might ultimately become clients. And universities can offer courses which the law firms would be happy to pay to send their lawyers to follow, to get the training necessary to appeal to energy law clients. There is an essential symbiosis to be captured here.

8. Conclusion

This article aimed to serve as a brief overview of energy law education in the sector. It is aimed at introducing areas for debate in the continued development of energy law education in the UK. At this stage, the authors do not aim to propose strict recommendations for the development of energy law education in the UK but merely to establish that debate needs to begin on how the UK should proceed to develop energy law education.

The US Review, however, did make certain recommendations and these are summarized below in Table 3. They grouped these recommendations into three areas, as per the Table below.

Table 3: US Energy Bar Associations’ Recommendations post Review of Energy Law Education

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|--|
| <p>A. What Potential Employers Can Do</p> <ul style="list-style-type: none"> • Academic Credit for Field Placement Opportunities • Academic Credit for Practicum Course • Paid Internships and/or Summer Jobs • Commissioned Research • Support Energy Activities at Law Schools <p>B. What Practitioners Can Do</p> <ul style="list-style-type: none"> • Introduce Students to the “Real World” of Practice |
|--|

³⁹ Hewitt, G. and Daintith, T. C. 2016 (Looseleaf). (eds.), *UK Oil and Gas Law*. Sweet & Maxwell: London, UK.

⁴⁰ Energy and Natural Resources Law Institute, Centre for Commercial Law Studies, Queen Mary University of London, UK. Please see the website, available at: <http://www.ccls.qmul.ac.uk/research/energy/index.html> (last accessed June 2016).

- Work as an Adjunct Professor or Law School Advisor

C. What the EBA Can Do

- Recognition for Donations and Funding
- Boot Camp for Adjunct Professors
- Clearinghouse for Potential Employers and Energy Law Students
- Offer Free Networking and Educational Opportunities to Students

D. Providing Financial Support of a Law School's Energy Law Program

The intentions behind these recommendations are clear, and from the discussion in this paper it is evident that many of these activities are already occurring to some degree in the UK. Nevertheless, more research is needed in this area and perhaps not all of the above recommendations will apply to the UK. And, as stated previously, it is not the intention of this paper to advance recommendations as this requires further research. This area is an intended avenue for further research and analysis by the authors.

There is no doubt that there needs to be a more unified approach as to the direction of UK energy law education while at the same time allowing for universities to pursue independent paths as to what programmes and subjects they offer. Indeed, it has to be recognised that the career path for a student who pursues energy law is not just confined to being a legal practitioner in energy law. As this paper shows, there are increasingly opportunities for PhDs and a career as an energy law academic, where there is perhaps a supply shortage at present. Equally, in practice there are in-house counsel positions at energy companies. More interestingly, there are potential careers not just in the private sector but in the public sector; for example, in May 2016, the UK Department for Energy and Climate Change announced 60 posts in Policy and Delivery Officers,⁴¹ while energy regulators are also suffering staff shortages due to a lack of available legal expertise. These latter opportunities in the UK represent a significant development in energy and climate change work by the public sector. Further, there will be an increase in EU-wide opportunities due to the proposed Energy Union and the further developments in EU energy law. And finally, there will be a need for lawyers to assist in aiding the how UK energy law transitions through the Brexit process.

Accordingly, the UK energy law community has to ensure that both general law and energy law graduates have the necessary education to pursue these opportunities and, as the US Bar Association stated, “[w]hether a law student is considering a career in the field of energy law or not, understanding how energy is regulated is becoming essential legal knowledge”.⁴² While universities have an obligation to ensure that graduates receive the knowledge necessary to accelerate their training to be an energy lawyer, it is also an obligation for a university itself to encourage the student to ‘think’ about energy law and to encourage flexibility in their learning approach so that they can adapt to whatever challenges the energy sector brings in their careers. Universities are the place, as John Henry Newman noted in the *Idea of a University*, where “...

⁴¹ These positions were announced in May 2016 on the UK Civil Service jobs website. The advertisement has since been removed as the deadline for application passed.

⁴² p. 217. US Energy Bar Association (Donna Attanasio, Committee Chair), 2015. Energy Law Education in the U.S.: An Overview and Recommendations. *Energy Law Journal*, 32, 217-260.

inquiry is pushed forward, and discoveries verified and perfected, and rashness rendered innocuous, and error exposed, by the collision of mind with mind, and knowledge with knowledge."⁴³ This paper has aimed to lay some of the groundwork for ensuring that these conditions exist for energy law students, by beginning an evaluation of energy law education in the UK.

⁴³ P. 11 in Newman, J. H. 1873. *The Idea of a University*. [Ker, I. T. (Ed.) Oxford Clarendon Press, 1976].