

**Katharine K. (K.K.) DuVivier**  
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## **LEGAL EXPERIENCE**

### **University of Denver, Sturm College of Law**

Professor of Law	2010-present
Tenured Associate Professor	2006-2010
Assistant Professor	2000-2006

#### *Courses:*

Energy Law; Renewable Energy Law; Renewable Energy for the 21<sup>st</sup> Century: Law, Policy & Markets; Civil Procedure; Environmental Law Workshop; Renewable Energy Law Project; Mining Law; Lawyering Process; Local Government

Faculty Executive Committee	2013-2015, Chair 2009-2011
Chair of Campus-wide Renewable Energy Steering Committee for Interdisciplinary Colloquia (Renewable Energy Science Community and Enterprise)	2010-2013
Director Environmental and Natural Resources Law Program	2009-2010
Director Lawyering Process Program	2000-2007

#### *Honors & Distinctions:*

- May 2013: Sturm College of Law Faculty Excellence Awards—Best Professor 2012-2013
- May 2014: Sturm College of Law Student Bar Association Faculty and Staff Achievement Awards—Mentorship Award 2013-2014
- January 2015: AALS Teacher of the Year for University of Denver Sturm College of Law
- Hughes-Ruud Research Professor 2015-present

### **Lewis & Clark Law School**

Visiting Professor	2012-present
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#### *Courses:*

Fundamentals of Energy Law 948-AS1 (May 29-June 4, 2012)  
Solar & Wind Energy Law (July 9-12, 2013; June 10-13, 2014; June 2-5, 2015; June 7-10, 2016; scheduled for May 30- June 2, 2017)

**University of Houston Law Center**

Visiting Professor

Intercession Jan. 2011

*Courses:*

Renewable Energy Law

**Colorado Court of Appeals**

Reporter of Decisions

Dec. 1999-May 2000

Reviewed every decision then issued by the court and provided feedback to the judges and their clerks about how to improve the opinions both mechanically and substantively.

**University of Colorado, School of Law**

Senior Instructor, Instructor

1990-Dec. 1999

*Courses:*

Appellate Advocacy—Spring 1991-1999; Civil Procedure— Fall 1997, Spring 1999, Fall 1999; Environmental and Toxic Tort Law—Summer 1999; Introduction to Civil Procedure—Summer 1994-1995; Legal Writing—Fall 1990-1999; Local Government – Spring 1998; Wills & Trusts—Summer 1996-1998; Women in Law & Literature (seminar)—1996.

Also served as a supervisor for independent studies and student externships, served as faculty sponsor for student organizations and moot court teams, and handled significant administrative responsibilities for the legal writing program.

**City and County of Denver**

Assistant City Attorney

1987-1990

Researched, briefed, and argued cases on a variety of issues—primarily land use, property tax, municipal tax, and constitutional issues—before administrative agencies and in the state appellate and district courts. Advised agencies and participated in negotiations and mediation. Participated in administrator training, interviewed job applicants, and mentored incoming attorneys in my section.

**Arnold & Porter, Denver and Washington, D.C.**

Associate Attorney

1984-1987

Practice focused on the area of natural resources and land use. Prepared pretrial motions, briefs, interrogatories, and responses. Negotiated with regulatory agencies, prepared contracts, wills, easements, and real estate conveyances.

**Sherman & Howard, Denver**

Associate Attorney

1982-1984

Summer Associate

1981

Practiced primarily in the Natural Resources Department in the areas of mineral, oil, and water law including drafting contracts and extensive discovery requests and responses for litigation. Served actively on firm's management committees.

**Calkins, Kramer, Grimshaw & Harring** 1981  
Part-time clerk during law school (focus on natural resources & water law)

**Legal Research and Writing Program at University of Denver College of Law**  
Research assistant during law school 1980

### PROFESSIONAL EXPERIENCE

**French American Metals Corporation/COGEMA** 1976-1979  
Geologist  
Coordinated field operations in Colorado, Texas, and New Mexico, including supervision of other geologists, drillers, and subcontractors. Negotiated with administrative agencies and landowners. Mapped geologic formations.

**Hudson River Museum, Yonkers, New York** 1975  
Intern Curator of Geology  
New York Council for the Arts internship as sole mineral curator to catalogue, organize, and identify museum's mineral collection.

**Smithsonian Institution, Washington, D.C.** 1974  
Intern  
Internship to computer catalogue the Mineral Department collection.

### LEGAL PUBLICATIONS

#### **Books**

K.K. DUVIVIER, ENERGY LAW BASICS (Carolina Academic Press) (2017) & ENERGY LAW BASICS TEACHER'S MANUAL (2017).

K.K. DUVIVIER, THE RENEWABLE ENERGY READER (Carolina Academic Press 2011) & RENEWABLE ENERGY TEACHER'S MANUAL (Carolina Academic Press 2012).  
Supporting website: <http://www.RenewableEnergyReader.com>

### **Book Chapters**

K.K. DuVivier, “Distributed Renewable Energy,” chapter 19 in LEGAL PATHWAYS TO DEEP DECARBONIZATION IN THE UNITED STATES (John C. Dernbach & Michael Gerrard, eds.)(forthcoming 2017).

K.K. DUVIVIER, RMLUI 25th Anniversary Book, PART THREE: NATURAL RESOURCES, Chapter 8: Energy (with Paige M. Coriden, Jocelyn Hittle, Tushar Kansal & Mark Safty)(forthcoming 2017).

### **Law Review Articles**

K.K. DuVivier, *Owning Elephants*—National Science Foundation grant funded research on the property status of wind rights (work in progress).

K.K. DuVivier & Thomas Witt, *NIMBY TO NOPE—OR YESS?*, 38 CARDOZO L. REV. 1453 (2017) [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2768427](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2768427)

K.K. DuVivier, *Wind Power Growing Pains*, 21 NEXUS J. of L. & Pol’y 1 (2016) [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2718375](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2718375)

K.K. DuVivier, *Wind—Scattered Resources, in* Transmission and Transport of Energy in the Western U.S. and Canada: A Law and Policy Road Map, 52 IDAHO L. REV. 387 (2016). [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2591728](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2591728)

K.K. DuVivier, *The Superagency Solution*, 46 MCGEORGE L. REV. 189 (2015) [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2601159](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2601159)

K.K. DuVivier, *Rural Wind Windfalls*, 23 KAN. J. L. & PUBLIC POL’Y 401 (vol. 3 2014) [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2477155](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2477155)

K.K. DuVivier, *Sins of the Father*, 1 TEX. A&M REAL PROP. L. J. 301 (2014), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2445063](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2445063)  
Also reprinted in full in 51 Rocky Mountain Mineral Law Foundation Journal 293 (2014);  
And an excerpt reprinted in Denver Law magazine 37-41 (Summer/Fall 2014)  
<http://www.denverlawmagazine.com/denverlawmagsummerfall2014/html5/index.html?page=1>

K.K. DuVivier, *Solar Skyspace B*, 15 MINN. J. L. SCI. & TECH. 389 (2014), available at <http://conservancy.umn.edu/handle/11299/162653>

K.K. DuVivier, *E-Legislating*, 92 ORE. L. REV. 9 (2013) (lead article), available at <http://law.uoregon.edu/org/olr/volumes/92/1/documents/DuVivier.pdf>

K.K. DuVivier & Robin Newmark, *Converting Natural Resources into Electricity*, ROCKY MTN. MIN. L. FOUND. SPECIAL INST. ON RENEWABLE ELECTRIC ENERGY L., DEVELOPMENT, & INVESTMENT, PAPER NO. 2 MINERAL LAW SERIES VOL. 2013, NO. 5 (2013).  
<http://www.conwaygreene.com/RmmlfDigitalLibrary/main.asp>

K.K. DuVivier, *Good-bye Christopher Columbus Langdell?*, 43 ENV'T L. L. REP. 10475 (2013), available at  
<http://elr.info/news-analysis/43/10475/goodbye-christopher-columbus-langdell>

K.K. DuVivier, *Animal, Vegetable, Mineral—Wind? The Severed Wind Power Rights Conundrum*, 49 WASHBURN L.J. 69 (2009), available at  
[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1435003](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1435003).

K.K. DuVivier & Roderick E. Wetsel, *Jousting at Wind Mills: When Wind Power Development Collides with Oil, Gas, and Mineral Development*, 55 ROCKY MTN. MIN. L. INST. PAPER NO. 9 (2009), available at  
[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1441359](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1441359).  
Also reprinted in Part I MMX No. 3 National Association of Division Order Analysts (NADOA) 29 (July/August/September 2010) and Part II (October/November/December 2010).  
Also reprinted in 35 E-Section Report, no. 3, of the OIL, GAS AND ENERGY LAW RESOURCES SECTION OF THE STATE BAR OF TEXAS (March 2011), available at [www.oilgas.org](http://www.oilgas.org)

K.K. DuVivier, *Fast-Food Government and Physician-Assisted Death: The Role of Direct Democracy in Federalism*, 86 ORE. L. REV. 895 (2007) (lead article).

K.K. DuVivier, *Out of the Bottle: The Genie of Direct Democracy*, 70 ALBANY L. REV. 1045 (April 2007), reprinted in LARRY CATÁ BACKER, INTRODUCTION TO THE LAW AND LEGAL SYSTEMS OF THE UNITED STATES (Carolina Academic Press 2016).

K.K. DuVivier, *The United States as a Democratic Ideal? International Lessons in Referendum Democracy*, 79 TEMPLE L. REV. 821 (Fall 2006).

K.K. DuVivier, *State Ballot Initiatives in the Federal Preemption Equation: A Medical Marijuana Case Study*. 40 WAKE FOREST L. REV. 221 (Spring 2005).

K.K. DuVivier, *Are Some Words Better Left Unpublished?: Precedent and the Role of Unpublished Decisions*, 3 J. APPELLATE PRAC. & PROCESS 397 (2001).

K.K. DuVivier, *Think Globally, Act Locally: The Role of State and Local Ballot Initiatives in International Environmental Law*, COLO. J. INT'L ENTL L. & POL'Y (2000 Yearbook).

K.K. DuVivier, *By Going Wrong All Things Come Right: Using Alternative Initiatives to Improve Citizen Lawmaking*, 63 U. CIN. L. REV. 1185 (1995).

### Other Articles and Publications

K.K. DuVivier & Dan Staley, *Managing the Dark Side of Trees*, SOLAR TODAY 28 (July/August 2013), available at <http://www.omagdigital.com/publication/?i=164079&p=28>

K.K. DuVivier, *Be-Aware of the Dark Side of Trees*, ABA SEER 2 RENEWABLE, ALTERNATIVE, AND DISTRIBUTED ENERGY RESOURCES COMMITTEE NEWSLETTER 16 (Feb. 2014), available at [http://www.americanbar.org/content/dam/aba/publications/nr\\_newsletters/rader/201402\\_rader.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/nr_newsletters/rader/201402_rader.authcheckdam.pdf)

K.K. DuVivier, *Book Review: Fuel Cycle to Nowhere: U.S. Law and Policy on Nuclear Waste*, Richard Burlison Stewart & Jane Bloom Stewart, 30 J. ENERGY & NATURAL RESOURCES L. 337 (2012), available at <http://www.ibanet.org/Search/Default.aspx?q=duvivier>

K.K. DuVivier & Ian London, *A Tale of Two Projects; NEPA's EIS v. Mitigated FONSI* 9 ABA ENERGY COMMITTEES NEWSLETTER 14 (May 2012), available at [http://www.americanbar.org/content/dam/aba/publications/nr\\_newsletters/energy/201205\\_energy.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/nr_newsletters/energy/201205_energy.authcheckdam.pdf)

K.K. DuVivier, *Letter to Editor—Trees vs. air pollution*, DENVER POST, Oct. 29, 2010, at 10B available at <http://digital.olivesoftware.com/Olive/ODE/DenverPost/LandingPage/LandingPage.aspx?href=VERQLzlwMTAvMTAvMjk.&pageno=MzA.&entity=QXlwMzAxMA..&view=ZW50aXR5>

K.K. DuVivier, *Colorado Citations*, 34 COLO. LAW. 121 (Sept. 2005), reprinted in ROBERT MICHAEL LINZ, COLO. LEGAL RESEARCH, part of Carolina Academic Press's state Legal Research Series texts (2010).

K.K. DuVivier, *Review of "Dirty Business" by Bullfrog Films*, available at <http://www.bullfrogfilms.com/catalog/dbiz.html>

K.K. DuVivier, *Review of "Split Estate" by Bullfrog Films*, available at <http://www.bullfrogfilms.com/catalog/split.html>

K.K. DuVivier, *Guest Commentary—Retain Solar Access In Code*, DENVER POST, Oct. 28, 2009, at 11B, available at [http://www.denverpost.com/opinion/ci\\_13653895](http://www.denverpost.com/opinion/ci_13653895)

CONTINUING LEGAL EDUCATION IN COLORADO, INC., COLORADO APPELLATE HANDBOOK (Janice B. Davidson, J., ed., 3d ed., 2000) (K.K. DuVivier participated as an author in the revisions).

K.K. DuVivier, *We All Lose with Constitutional Amendment by Initiative*, THE ADVOCATE, May 1993, at 3.

Carolyn L. Buchholz & K.K. DuVivier, *Attorney Fees as Superfund Response Costs*, NAT. RESOURCES & ENV'T 34 (Summer 1991).

Stanley Dempsey, Harris D. Sherman, & David S. Neslin, *Obtaining Surface Rights to Non-Mineral Federal Land by Purchase, Exchange, Permit, and Location*, 31 ROCKY MTN. MIN. L. INST. 8-1 (1985) (footnoted as a contributor).

Paul J. Schlauch & Thomas L. Strickland, *Changing Land to Water—The Alchemy of the Federal Wetlands Regulatory Scheme*, 27 ROCKY MTN. MIN. L. INST. 635 (1982) (footnoted as a contributor).

ROCKY MTN. MIN. L. FOUND., THE AMERICAN LAW OF MINING (Cheryl Outerbridge, ed., 2d ed. 1984) (participated in the revisions for the second edition, but not listed as a contributing author).

***The Scrivener***, bimonthly column on legal writing for ***The Colorado Lawyer*** (from March 1991 to March 2007):

K.K. DuVivier, *Slide Rules, Telegrams and Legal Writing*, 20 COLO. LAW. 485 (Mar. 1991).

K.K. DuVivier, *Bold Beginnings*, 20 COLO. LAW. 919 (May 1991).

K.K. DuVivier, *Getting Organized: Part I*, 20 COLO. LAW. 1399 (July 1991).

K.K. DuVivier, *Getting Organized: Part II*, 20 COLO. LAW. 1809 (Sept. 1991).

K.K. DuVivier, *Judges' Pet Peeves I*, 20 COLO. LAW. 2257 (Nov. 1991).

K.K. DuVivier, *Judges' Pet Peeves II*, 21 COLO. LAW. 27 (Jan. 1992).

K.K. DuVivier, *White Space*, 21 COLO. LAW. 441 (Mar. 1992).

K.K. DuVivier, *Be Plain*, 21 COLO. LAW. 909 (May 1992).

K.K. DuVivier, *Procrastination*, 21 COLO. LAW. 1391 (July 1992).

K.K. DuVivier, *Gender Neutral*, 21 COLO. LAW. 1873 (Sept. 1992).

- K.K. DuVivier, *Gender Neutral II*, 21 COLO. LAW. 2373 (Nov. 1992).
- K.K. DuVivier, *Road Maps*, 22 COLO. LAW. 25 (Jan. 1993).
- K.K. DuVivier, *Misguided Metaphors*, 22 COLO. LAW. 507 (Mar. 1993).
- K.K. DuVivier, *Letters from Readers*, 22 COLO. LAW. 947 (May 1993).
- K.K. DuVivier, *Quotations Part I: Fundamentals*, 22 COLO. LAW. 1439 (July 1993).
- K.K. DuVivier, *Quotations Part II: Block Quotes*, 22 COLO. LAW. 1887 (Sept. 1993).
- K.K. DuVivier, *Power Verbs*, 22 COLO. LAW. 2369 (Nov. 1993).
- K.K. DuVivier, *Are You Practicing an Uninformed System of Citation?*, 23 COLO. LAW. 27 (Jan. 1994).
- K.K. DuVivier, *Cease and Desist*, 23 COLO. LAW. 555 (Mar. 1994).
- K.K. DuVivier, *A False Economy*, 23 COLO. LAW. 1061 (May 1994).
- K.K. DuVivier, *The Lady Doth Protest Too Much, Methinks!*, 23 COLO. LAW. 1511 (July 1994).
- K.K. DuVivier, *A Thousand Probabilities*, 23 COLO. LAW. 2082 (Sept. 1994).
- K.K. DuVivier, *Gratifying Rules of Grammar*, 23 COLO. LAW. 2516 (Nov. 1994).
- K.K. DuVivier, *Proper Words in Proper Places*, 24 COLO. LAW. 27 (Jan. 1995).
- K.K. DuVivier, *Problems With the Passive Voice*, 24 COLO. LAW. 545 (Mar. 1995).
- K.K. DuVivier, *A Wise Passiveness*, 24 COLO. LAW. 1027 (May 1995).
- K.K. DuVivier, *The Period and Its Pals*, 24 COLO. LAW. 1737 (July 1995).
- K.K. DuVivier, *The Common Comma: Part I*, 24 COLO. LAW. 2151 (Sept. 1995).
- K.K. DuVivier, *The Common Comma: Part II*, 24 COLO. LAW. 2545 (Nov. 1995).
- K.K. DuVivier, *The Apostrophe: Reports of Its Death are Greatly Exaggerated*, 25 COLO. LAW. 17 (Jan. 1996).
- K.K. DuVivier, *The Dash—"A Hasty Stroke of the Pen"*, 25 COLO. LAW. 31 (Mar. 1996).



- K.K. DuVivier, *Grammar and Style Check Programs: Machine v. Man*, 25 COLO. LAW. 27 (May 1996).
- K.K. DuVivier, *Pronoun References: Part I-When No Substitute Will Do*, 25 COLO. LAW. 29 (July 1996).
- K.K. DuVivier, *Pronoun References: Part II-A Case for Pronouns*, 25 COLO. LAW. 29 (Sept. 1996).
- K.K. DuVivier, *Professional Courtesy*, 25 COLO. LAW. 55 (Nov. 1996).
- K.K. DuVivier, *Nothing So Destructive as Habit*, 26 COLO. LAW. 41 (Jan. 1997).
- K.K. DuVivier, *Readers Speak Out*, 26 COLO. LAW. 45 (Mar. 1997).
- K.K. DuVivier, *The Footnote=An Interruption*, 26 COLO. LAW. 47 (May 1997).
- K.K. DuVivier, *Not Selected for Official Publication*, 26 COLO. LAW. 79 (July 1997).
- K.K. DuVivier, *The Volley of Canons*, 26 COLO. LAW. 59 (Sept. 1997).
- K.K. DuVivier, *Right Writing or Rite Riting?*, 26 COLO. LAW. 61 (Nov. 1997).
- K.K. DuVivier, *Plain English Part I: Secrets for the SEC*, 27 COLO. LAW. 35 (Jan. 1998).
- K.K. DuVivier, *Plain English Part II: Shorter Sentences and Lighter Luggage*, 27 COLO. LAW. 27 (Mar. 1998).
- K.K. DuVivier, *Plain English Part III: Choosing the Right Words*, 27 COLO. LAW. 31 (May 1998).
- K.K. DuVivier, *Plain English Part IV: Keep It Straight, Tabulate*, 27 COLO. LAW. 67 (July 1998).
- K.K. DuVivier, *Plain English Part V: Go Aggro over Argot*, 27 COLO. LAW. 61 (Sept. 1998).
- K.K. DuVivier, *Plain English Part VI: Negatives or the Power Of Positives*, 27 COLO. LAW. 35 (Nov. 1998).
- K.K. DuVivier, *The Blackletter Law of Form*, 28 COLO. LAW. 31 (Jan. 1999).
- K.K. DuVivier, *Common Words with Uncommon Meanings*, 28 COLO. LAW. 47 (Mar.1999).

- K.K. DuVivier, *Further Saith Naught*, 28 COLO. LAW. 41 (May 1999).
- K.K. DuVivier, *Mooring Modifiers*, 28 COLO. LAW. 63 (July 1999).
- K.K. DuVivier, *Neuro-Linguistic Programming And Writing: A New Era of Communication-Part I*, 28 COLO. LAW. 45 (Sept. 1999).
- K.K. DuVivier, *Neuro-Linguistic Programming And Writing: A New Era of Communication-Part I*, 28 COLO. LAW. 28 (Nov. 1999).
- K.K. DuVivier, *Details, Details: Questions from Readers*, 29 COLO. LAW. 29 (Jan. 2000).
- K.K. DuVivier, *Pesky Citations*, 29 COLO. LAW. 33 (Mar. 2000).
- K.K. DuVivier, *Legal Citations for the Twenty-first Century*, 29 COLO. LAW. 45 (May 0).
- K.K. DuVivier, *String Citations-Part I*, 29 COLO. LAW. 83 (July 2000).
- K.K. DuVivier, *String Citations-Part II*, 29 COLO. LAW. 67 (Sept. 2000).
- K.K. DuVivier, *A New Bluebook*, 29 COLO. LAW. 51 (Nov. 2000).
- K.K. DuVivier, *Parallel Citations-Past and Present*, 30 COLO. LAW. 25 (Jan. 2001).
- K.K. DuVivier, *Writing Help At Your Fingertips-Readability Scale*, 30 COLO. LAW. 39 (Mar. 2001).
- K.K. DuVivier, *Footnote Citations?*, 30 COLO. LAW. 47 (May 2001).
- K.K. DuVivier, *Cross-references, As Stated Above*, 30 COLO. LAW. 87 (July 2001).
- K.K. DuVivier, *Play It Again, Sam: Repetition-Part I*, 30 COLO. LAW. 65 (Sept. 2001).
- K.K. DuVivier, *Play It Again, Sam: Repetition-Part II*, 30 COLO. LAW. 49 (Nov. 2001).
- K.K. DuVivier, *The Aikido Technique for Rebutting Opposing Authority*, 31 COLO. LAW. 65 (Jan. 2002).
- K.K. DuVivier, *Nit-picking or Significant Contract Choices?-Part I*, 31 COLO. LAW. 43 (Mar. 2002).
- K.K. DuVivier, *Nit-picking or Significant Contract Choices?-Part II*, 31 COLO. LAW. 57 (June 2002).

- K.K. DuVivier, *Nit-picking or Significant Contract Choices?-Part III*, 31 COLO. LAW. 95 (July 2002).
- K.K. DuVivier, *You Can Judge a Book by its Cover: The Redbook*, 31 COLO. LAW. 51 (Sept. 2002).
- K.K. DuVivier, *Questions from Readers: Redbook Responses-Part I*, 31 COLO. LAW. 53 (Nov. 2002).
- K.K. DuVivier, *Questions from Readers: Redbook Responses-Part II*, 32 COLO. LAW. 35 (Jan. 2003).
- K.K. DuVivier, *White Space-The Sequel*, 32 COLO. LAW. 51 (Mar. 2003).
- K.K. DuVivier, *Nothing New Under the Sun-Plagiarism in Practice*, 32 COLO. LAW. 53 (May 2003).
- K.K. DuVivier, *Lawmanac-Another Tool for the Shed or Your Computer Desktop*, 32 COLO. LAW. 69 (July 2003).
- K.K. DuVivier, *E-Filing: Entering the Electronic Age—Part I*, 32 COLO. LAW. 69 (Sept. 2003).
- K.K. DuVivier, *Straddling the Electronic and Paper Realms—E-Filing: Part II*, 32 COLO. LAW. 69 (Nov. 2003).
- K.K. DuVivier, *Vulcan Mind Melds and Picture Windows*, 33 COLO. LAW. 43 (Jan.2004).
- K.K. DuVivier, *Verb-Based Writing*, 33 COLO. LAW. 39 (Mar. 2004).
- K.K. DuVivier, *Reputation*, 33 COLO. LAW. 53 (May 2004).
- K.K. DuVivier, *The Reference Brief*, 33 COLO. LAW. 71 (July 2004).
- K.K. DuVivier, *When Flyspecks Matter—Part I*, 33 COLO. LAW. 69 (Sept. 2004).
- K.K. DuVivier, *When Flyspecks Matter—Part II*, 33 COLO. LAW. 69 (Nov. 2004).
- K.K. DuVivier, *All for One; Subject-verb Agreement for Compounds and Collective Subjects*, 34 COLO. LAW. 61 (Jan. 2005).
- K.K. DuVivier, *Colorado Citations*, 34 COLO. LAW. 39 (Mar. 2005).
- K.K. DuVivier, *Going on a “Which” Hunt*, 34 COLO. LAW. 53 (May 2005).

K.K. DuVivier, *Sorting Things Out—Which, That, Then, Than, When, Where*, 34 COLO. LAW. 93 (July 2005).

K.K. DuVivier, *Proof Reading Tips*, 34 COLO. LAW. 121 (Sept. 2005).

K.K. DuVivier, *Bluebook No. 18—“Thank God for competition....”* 34 COLO. LAW. 111 (Nov. 2005).

K.K. DuVivier, *Eye of the Beholder*, 35 COLO. LAW. 91 (Jan. 2006).

K.K. DuVivier, *Reviewing Writing Samples*, 35 COLO. LAW. 87 (March 2006).

K.K. DuVivier, *“Beholder” Reflections—Part I*, 35 COLO. LAW. 95 (May 2006).

K.K. DuVivier, *“Beholder” Reflections—Part II*, 35 COLO. LAW. 93 (July 2006).

K.K. DuVivier, *“Beholder” Reflections—Part III*, 35 COLO. LAW. 99 (Sept. 2006).

K.K. DuVivier, *Learn to Write “Like the Man on the Six O’Clock News,”* 35 COLO. LAW. 85 (Nov. 2006).

K.K. DuVivier, *The House that Jack Built with Effective Transitions*, 36 COLO. LAW. 51 (Jan.2007).

K.K. DuVivier, *E-Etiquette: Thoughtful E-Mail Correspondence*, 36 COLO. LAW. 79 (March 2007).

## LEGAL PRESENTATIONS

### International

*48<sup>th</sup> Annual Leonard B. Sutton Colloquium, Sustainable Development and Sustainable Energy—Moderator: “Tensions in the Sustainable Energy Sphere and Community Solutions,”* Denver, CO (Oct.10, 2015).

*46<sup>th</sup> Annual Leonard B. Sutton Colloquium, International Legal Perspectives on the Future of Development—Presenter: “Renewable Solar as an Opportunity for Rural Electrification & a Threat to Traditional Utilities,”* Denver, CO (Nov. 9, 2013).

*Rocky Mountain Mineral Law Foundation Special Institute on Renewable Electric Energy Development, “Converting Natural Resources into Electricity”* with co-presenter Bob

Noun, formerly with the National Renewable Energy Lab., Las Vegas, NV (Nov. 7, 2013), available at [www.rmmlf.org/REETpb/REE-Materials.pdf](http://www.rmmlf.org/REETpb/REE-Materials.pdf)

*Rocky Mountain Mineral Law Foundation 16<sup>th</sup> Institute for Natural Resources Law Teachers*—Presenter: “Local & Statewide Conflicts in the Regulation of Fracking and Other Unconventional Fuel Issues, and Comparison of this Regulation with the Regulation of Renewable Energy,” Flagstaff, Arizona (May 30, 2013).

*Renewable and Sustainable Energy Institute (RASEI) I-CAMP'12 Summer School on Renewable and Sustainable Energy*, Lecture: “The U.S.’s Problem with the Sun: Access,” Boulder, CO (July 25, 2012), <http://i-camp.colorado.edu/i-camp2012/>; [http://www.colorado.edu/physics/I-CAMP/2012/ICAMP2012\\_Program\\_print.pdf](http://www.colorado.edu/physics/I-CAMP/2012/ICAMP2012_Program_print.pdf)

*World Renewable Energy Forum*—Presenter: “Can U.S. Renewable Law & Policy Catch Up?” (May 14, 2012) (panelist), available at <http://ases.org/conference/>; [https://ases.conference-services.net/programme.asp?conferenceID=2859&action=prog\\_list&session=21612](https://ases.conference-services.net/programme.asp?conferenceID=2859&action=prog_list&session=21612)

*American Branch, International Law Association, 2010 International Law Weekend—Midwest*, “International Issues for Sustainable Energy” (Feb. 12-13, 2010) (co-chair of panel and presenter).

*Victoria University of Wellington, Te Whare Wanango te Upoko o te Ika Maui*— Staff Seminar Presenter, Wellington, New Zealand (Dec. 19, 2007).

*University of Otago, Te Whare Wananga a Otāgo*— Staff Seminar Presenter, Dunedin, New Zealand (Jan. 23, 2008).

*Rotary Club of Dunedin, Hotel Savoy*—Lecture: “The U.S. as a Democratic Ideal?” Dunedin, New Zealand (Jan. 24, 2008).

## **National**

*Arizona State University Sandra Day O’Connor College of Law*— Annual Sustainability Conference of American Legal Educators—Panelist “Deep Decarbonization,” Phoenix, Arizona (May 12, 2017).

*American Wind Energy Association* – WindPower conference—Poster presentation, “Statewide Permitting for Better Wind Siting” (May 25, 2016).

*Arizona State University Sandra Day O'Connor College of Law— Annual Sustainability Conference of American Legal Educators—Panelist “Regulatory ‘Hinges’ Affecting Certain Sustainable Power Technologies,” Tempe, Arizona (May 13, 2016).*

*Rocky Mountain Land Use Institute, 2016 Annual Conference: Examining the Past; Exploring the Future—Panelist “The Evolution of the Energy/ Land Use Nexus: A 25-Year Perspective,” Denver, CO (Mar. 11, 2016).*

*Renewable Energy Law & Policy Summit, Moderator: “The Utility Death spiral—EU & US Utility Models for Sustainable Electricity” Denver, CO (Nov. 5, 2015).*

*Arizona State University Sandra Day O'Connor College of Law—First Annual Sustainability Conference of American Legal Educators—Panelist “Repairing the Broken Sustainable Energy Law Tools—Wind” Tempe, Arizona (May 7, 2015).*

*American Association of Law Schools 2015 Annual Conference— Section Chair and Panel Organizer/ Moderator: Natural Resources & Energy Law Section Program: “Seismic Shifts in Energy: The Repercussions of Local Solar and Distributed Generation,” Washington, D.C. (Jan. 3, 2015).*

*University of Idaho College of Law’s Natural Resources and Environmental Law Program, Center for Advanced Energy Studies at Idaho National Laboratories (CAES), & Energy Policy Institute at Boise State University, “Idaho Symposium on Energy in the West” — Presenter: “Energy Infrastructure Choices: Wind—Scattered Resources,” Sun Valley, ID (Nov. 14, 2014).*

*University of the Pacific McGeorge School of Law, “Growing, Growing, Gone: Innovative Ideas in Resource Management for a Growing Population” –Presenter: “Energy@50 Million,” Sacramento, CA (April 11, 2014).*

*University of Kansas School of Law, “Preventing the Ghost Town” —Presenter: “Issues Rural Communities Face When Attempting to Maximize Land Usage,” Lawrence, KS (Feb. 21, 2014).*

*Texas A&M Journal of Real Property Law, Symposium on “Wind Farming: Obstacles to Planning and Development” –Presenter: “Sins of the Father,” Ft. Worth, TX (Nov. 15, 2013).*

*Renewable Energy Law & Policy Summit, Moderator: “Renewable Portfolio Standards: Mixing it Up on the Energy Front,” Denver, CO (Oct. 18, 2013).*

*Colorado School of Mines Office of Special Programs and Continuing Education, Energy and Minerals Field Institute— Lecture: “Whither Energy,” Steamboat Springs, CO (Aug. 8, 2013).*

*Consortium on Law and Values 2013 Annual Conference, “Legal & Policy Pathways for Energy Innovation” —Presenter: “Problems with Protecting the Right to Distributed Solar Power,” Minneapolis, MN (Apr. 24, 2013).*

*American Association of Law Schools 2013 Annual Conference— Presenter: “Law Teaching in the Future: Good-bye Christopher Columbus Langdell?” in Joint Program with Natural Resources & Energy Law Section and Property Law Section: “40 Years of Environmental & Natural Resources Law—A Prospective Look,” New Orleans, LA (Jan. 7, 2013).*

*Renewable Energy Law & Policy Summit— Moderator: “How are Municipalities Driving the Development of Renewable Energy?,” Denver, CO (Oct. 19, 2012).*

*Rocky Mountain Land Use Institute, 2012 Annual Conference: The Wilderness City: Nature, Culture and Economy in the Next West— Moderator & Organizer: “Private Alternative Energy Systems: Zoning, Regulatory and Finance Issues,” Denver, CO (Mar. 2, 2012).*

*Renewable Energy Law & Policy Summit— Moderator & Panelist: “Survey of U.S. Laws Affecting the Siting and Development of Renewable Energy Projects,” (Denver, CO Nov. 7, 2011).*

*Colorado Renewable Energy Society’s annual conference (CREC)—Lecture: “Access to the Sun: Working Together to Make Distributed Solar Work,” Ft Collins, CO (June 2011).*

*U.S. Army Corps of Engineers course—Co-taught Environmental Partners course “Environmental Laws & Regulations” to approximately 35 employees of the Army Corps of Engineers from all over the U.S., Denver, CO (Aug. 17-21, 2009).*

*Rocky Mountain Mineral Law Foundation—55<sup>th</sup> Annual Institute, “Jousting at Windmills: When Wind Power Development Collides with Oil, Gas, and Mineral Development” co-presented with Roderick E. Wetsel, San Francisco, CA (July 2009).*

*Rocky Mountain Mineral Law Foundation—Natural Resources Law Teachers (Biennial Institute) “Slicing the Sky: Prospecting for Wind Rights as Severable Estates,” Segment of panel on *The Law of Unintended Consequences: How Property Law Affects Energy Development, Past, Present and Future*, Chico, MT (May 2009).*

*Rocky Mountain Land Use Institute*, “Green, Greener, Greenest, Navigating the Forest of ‘Green’ Building Standards,” Denver, CO (Mar. 2009)

*American Association of Law Schools, 2005 Annual Conference*, “Linking Process of Cognitive Breakthrough,” San Francisco, CA (Jan. 2005).

*Association of Legal Writing Directors* (Biennial conferences):

“Renewal Issues for LRW Faculty Contracts,” Denver, CO (June 2007)

“Using Computer Technology to Help Students with Diverse Learning Styles,” Chicago, IL (July 2005).

“Leading The Way To Better Teaching: Using Learning Styles to Improve Teaching and Learning,” (Co-presented with John and Tania Reese) Windsor, Ontario (July 2003).

*Legal Writing Institute* (Biennial conferences):

“Teaching to Eyebrows: How Do We Engage Our Multi-Tasking Students?” (with Jill Ramsfield) (June 2006)

“Icing the Cake, Opportunities Outside of Law Schools,” Knoxville, TN (May 2002).

“Vulcan Mind Melds; Using Neuro-linguistic Programming to Read Your Readers’ Minds,” Seattle, WA (July 2000).

“Effective Student Conferences,” (with Mark Broida) Seattle, WA (July 1996) & Ann Arbor, MI (July 1998).

“Evaluating Student Papers,” (with Joe Kimble) Chicago, IL (July 1994) & (with Joe Kimble and John Dernbach) Seattle, WA (July 1992).

*Colorado Municipal Judges Conference*: “Ethics of,” Santa Fe, NM (2000).

*Georgia Association of Legal Assistants*: Keynote Speaker — Annual Seminar in Atlanta (Oct. 1994).

*National Federation of Paralegal Associations*: Gave a one-hour presentation to approximately 150 participants at the NFPA Annual Convention (May 1994).



*Rocky Mountain Mineral Law Foundation*: Presented my paper, “Sharing the Wealth: Mineral Royalties in Kind,” at the *Institute on Mine to Market: The Legal Issues*, in Tucson, Arizona, and the paper was published in the proceedings book (Mar. 1985).

### **Local and Regional Programs**

*Colorado Renewable Energy Society*—Speaker: “Deep De-carbonization: The Promise of Local, Distributed Power” (April 27, 2017).

*Denver Law Natural Resources and Environmental Law Society*—Moderator: “The Evolution of Energy Law under the Trump Administration” (April 19, 2017).

*Ethics and Ecological Economics Forum* at the Iliff School of Theology—Panelist: “Prospects for International and Domestic Climate Change Policy and Action in 2017” (April 15, 2017).

*Colorado Environmental Management Society*—Panelist: “NOVA— Power Surge: Are we finally on the brink of a clean energy revolution?” (April 12, 2017).

*Passive House Alliance*—Webinar Presenter: “The Trouble with Solar Access for Passive Houses” (April 4, 2017).

*Colorado Solar Energy Industries Association 2017 Solar Power Colorado* —Panelist: “Innovation in Community Solar” (March 15, 2017).

*Ethics and Ecological Economics Forum* at the Iliff School of Theology—Panelist: “Implications of Election Results for Climate Change Policy and Action” (Nov. 15, 2016).

*Colorado Environmental Management Society*—Presenter: “Wind Energy Siting--NIMBY to NOPE” (June 24, 2016).

*University of Colorado Denver Wirth Chair Sustainability Series*—Co-Presenter: “The Path Toward Sustainability: Lessons from Denmark” (July 7, 2015).

*DU Sustainability Forum: Dialogue Across Disciplines*—Moderator: “Solar Partnerships” group (April 3, 2015) and developed an interdisciplinary sustainable action course in response to the discussion.

*Denver Law Natural Resources and Environmental Law Society*—Panelist & Presenter: “Lessons from Keystone XL” (April 1, 2015).

*Colorado Solar Energy Industries Association 2015 Solar Power Colorado* —Moderator: “General Session: Solar CEO and Executive Panel” (Feb. 24, 2015).

*Denver Law Natural Resources and Environmental Law Society*—Moderator & Organizer: “Is Municipalization Of Energy The Answer?—Lessons from Boulder” (April 14, 2014).

*Colorado Solar Energy Industries Association* 2014 Solar Power Colorado –Presenter: “The Battle of 2014: Net Metering Challenges” (Feb. 26, 2014).

*Colorado Solar Energy Industries Association* 2014 Solar Power Colorado –Moderator: “Solar for All: Community Solar and Shared Rooftops” (Feb. 25, 2014).

*Sierra Club* Climate Legacy Roundtable, Moderator (Apr. 30, 2013), available at <http://www.youtube.com/watch?v=TzyyLBrm2e0>;  
<http://www.youtube.com/watch?v=Te7gruw4VvE&feature=youtu.be>;  
[http://www.youtube.com/watch?v=6gkoo9yem\\_c&feature=youtu.be](http://www.youtube.com/watch?v=6gkoo9yem_c&feature=youtu.be);  
<http://www.youtube.com/watch?v=No1vnhjPq6Y&feature=youtu.be>.

*Denver Law Natural Resources and Environmental Law Society*, Moderator: Debate between Colorado Governor John Hickenlooper and Boulder County Commissioner Elise Jones on “Who Should Regulate Hydraulic Fracturing in Colorado?” (Apr. 1, 2013), available at <http://mediaserv.law.du.edu/flashvideo/specialevents/Hydraulic-Fracturing-in-Colo-Debate/Hydraulic-Fracturing-in-Colorado-Debate-4-1-13.htm>.

*Institute for Public Policy Studies*, “Counterpoints: The New Energy Economy” –Panelist in debate moderated by former Colorado Governor Richard D. Lamm (Apr. 26, 2012), available at <http://www.du.edu/ahss/centers/ipps/counterpoints.html>.

*Natural Resources & Environmental Law Society*, Panelist: “The Future of Natural Gas” (Apr. 2, 2012).

*Food, Agriculture, & Resource Management Law Society (FARM)*, Moderator: “Co-Opportunity: Solar Gardens & Farmer Cooperatives” (Mar. 15, 2012).

*Energy Committee, Rocky Mountain Chapter Sierra Club*, “Energy’s Uneven Playing Field,” (May 5, 2011).

*International Law Society*—Impact of BP Oil Spill, co-panelist (Fall 2010).

*Denver Association of Petroleum Landmen, Spring Land Workshop*, “Jousting at Windmills—Wind Power Rights & Conflicts Update,” (Mar. 25, 2010).

*University of Denver, 2010 Winter Quarter Provost’s Lecture and Luncheon*, “The New Energy Frontier: The University of Denver’s Partnership with the National Renewable Energy Laboratory” (organized and co-presented with Robert J. Noun, Chief Spokesman for NREL) (Mar. 2, 2010).

*Energy Committee, Rocky Mountain Chapter Sierra Club, "Solar Access and Denver's Code Rewrite"* (Feb. 4, 2010).

Distributed solar photovoltaic installations are expanding exponentially, yet local land use laws have not been keeping pace to protect the public's significant investment in this piece of the renewable energy puzzle.

*Denver Board of Realtors, "Solar Access,"* Presentation to Government Affairs Committee (Dec. 3, 2009).

The presentation addressed the history of solar access and how the current drafts of the new Denver Zoning Code represent a step backward in protecting solar access. Professor DuVivier then presented a number of better alternative solutions.

*Moye & White, LLP: "Power Legal Writing"* CLE Program (Mar. 31, 2006; Apr. 12, 2006; & Apr. 19, 2006)

*The Christian Legal Society, College Republicans, and The Federalist Society, "Life! Days— Conversations on the 'Right' to die,"* (Panel on Assisted Suicide and Euthanasia) (Feb. 22, 2006).

*American Constitution Society at DU with National Lawyers' Guild, "Ballot Initiatives: Giving Citizens a Voice through Direct Voting,"* (Feb. 9, 2006).

*DU Office of Career Services: "Writing Samples for the Job Search"* (Feb. 6, 2007; Feb. 7, 2006; Feb. 8, 2005; Feb. 5, 2004; Jan. 28, 2003).

*CLE in Colorado, Inc. (CBA CLE): "The Judicial Decision-Making Process"* (panel moderator) (May 13, 2005).

*DU Lawyering Process Program, "Power Legal Writing,"* (Oct. 10, 2003).

*DU, "Upper Level Writing: Implementing ABA Standard 302(a)(2),"* (Sept. 30, 2003).

*CLE in Colorado, Inc. (CBA CLE), "Tips for Writing a Winning Brief,"* (May 9, 2003).

*CLE in Colorado, Inc. (CBA CLE), "How Judges Read Appellate Briefs,"* (panel moderator) (May 9, 2003).

*DU Office of Career Services, "Writing Samples for the Job Search,"* (Jan. 28, 2003).

*CBA Appellate Practice Subcommittee, Panel on Unpublished Opinions,* (Jan. 25, 2002).

*DU Law School Adjuncts, "Incorporating Legal Writing Into Law School Courses,"* (Jan. 10, 2002).

*Office of the Colorado Attorney General and the Colorado Court of Appeals, "Significant Subtleties,"* (Oct. 2001).

*Office of the Colorado Attorney General and the Colorado Court of Appeals, "What Every Lawyer Needs To Know About Style,"* (July 2001).

*Office of the Colorado Attorney General and the Colorado Court of Appeals, "Secrets to Successful Communication,"* (June 2001).

*U.S. Department of Health and Human Services, Office of Civil Rights, Writing Workshop,* (Oct. 2001).

*CLE in Colorado, Inc. (CBA CLE), Critiqued oral arguments for "Appellate Advocacy Workshop,"* (May 10-11, 2001).

*DU Clinical Programs, "Overview of Legal Writing,"* (Sept. 2000).

*First Judicial District Bar Association, "The Ethics of Legal Writing,"* (Jan. 11, 2000).

*Denver Law Club, "The Ethics of Legal Writing,"* (Dec. 13, 1999).

*Continuing Education in Colorado, Inc.,* As part of a seminar on Colorado Appellate Practice, taught a session on appellate brief writing, along with Justice Rebecca Kourlis, of the Colorado Supreme Court; Andrew Low, of Davis, Graham, & Stubbs; and Walter Sargent (Oct. 29, 1999).

*University of Colorado, Graduate Students Program,* Taught graduate students across several disciplines how to instruct undergraduate students to write more clearly, (Sept. 22, 1999).

*Legal Staff Professionals,* Addressed history of legalese, (Jan. 1999).

*Continuing Legal Education in Colorado, Inc.,* As part of a seminar on Colorado Appellate Practice, taught appellate brief writing on a panel with Justice Rebecca Kourlis, of the Colorado Supreme Court, and Chief Judge Alan Sternberg, of the Colorado Court of Appeals (May 1997).

*Colorado Court of Appeals,* Presented a workshop on legal writing to the judges and staff of the Colorado Court of Appeals (Dec. 13, 1996).

*Denver Area Legal Recruiters,* Co-taught an all-day course on legal writing to summer associates from Denver law firms, (June 7, 1996).

*Colorado Women's Bar Association*, Spoke with Justice Mary Mullarkey, now Chief Justice of the Colorado Supreme Court, and Judge Sandra Rothenberg, of the Colorado Court of Appeals at the 18<sup>th</sup> Annual Colorado Women's Bar Convention (May 1995).

*University of Colorado School of Law, Byron White Center of American Constitutional Study*, Participated as a panelist along with Jean Dubofsky, former justice of the Colorado Supreme Court; Catharyn Baird, Counsel to the Colorado Secretary of State; JoElyn Newcomb, initiative author; and The Honorable Gale Norton, former Attorney General of Colorado (Sept. 23, 1994).

*Continuing Education Services*, Taught a four-hour course on legal writing to practicing attorneys in the Denver area (Sept. 1994).

*University of Colorado School of Law*, Faculty colloquium on counter-initiatives (Jan. 14, 1994).

*U S WEST*, Presented a workshop on "Effective Legal Writing" to U S West's 1993 MSR Conference, Keystone, CO (Oct. 1993).

*University of Colorado at Denver*, Co-taught (with Martha Faulk) a full day workshop on persuasive writing for UCD's Division of Extended Studies (July 1993).

*Boulder County Bar Association*, Taught a one-and-a-half-hour workshop for the Boulder County Bar's Practice Skills lunch series (May 1992).

*Rocky Mountain Association of Mineral Landmen*, Presented an update on public land law (Feb. 1986).

*Mineral Law Section of the Colorado Bar Association*, Spoke on "New Developments in the Disposal of Public Lands" (Sept. 1985).

#### **MEDIA, TESTIMONY, LEGAL CONSULTATION, AND RESEARCH STUDIES**

Interview with Grace Hood of Colorado Public Radio about energy efficiency and utility rates (March 31, 2017; story aired April 11, 2017):

[http://www.cpr.org/news/story/colorado-s-about-to-find-out-what-middle-ground-feels-like-in-rooftop-solar-wars?utm\\_content=bufferc1906&utm\\_medium=social&utm\\_source=facebook.com&utm\\_campaign=buffer](http://www.cpr.org/news/story/colorado-s-about-to-find-out-what-middle-ground-feels-like-in-rooftop-solar-wars?utm_content=bufferc1906&utm_medium=social&utm_source=facebook.com&utm_campaign=buffer)

Testified before the Colorado Senate Committee on Business, Labor, & Technology on February 8, 2017. The Committee was considering SB 17-089, a bill concerning the

rights of consumers of electricity to install electricity storage systems on their property. Because Professor DuVivier has authored articles and chapters on distributed energy generation and also has an electricity storage system as battery back-up to the solar arrays on her home, she was able to provide the Committee with insights on these components of the proposed legislation. Audio for 2/8/2017 2:00 hearing in room 354, second half at: <http://www.leg.state.co.us/clics/cslFrontPages.nsf/Audio?OpenPage>

*Why is AG suing Boulder Co?* (Letter to the Editor about AG Cynthia Coffman’s lawsuit and the fact that renewable energy resources, such as wind and solar, have no statewide champion for their development as discussed in *Sins of the Father* article above.) DENVER POST, Feb. 22, 2017, at 17A also available at <http://www.denverpost.com/2017/02/21/why-is-colorado-ag-suing-boulder-county-over-oil-and-gas-ban/>

Interviewed by Dan Elliott for article re Colorado Supreme Court’s ruling on Longmont and Fort Collins fracking bans/moratoriums: <http://www.durangoherald.com/article/20160502/AP/305029801/>

Interviewed for and quoted in article by Andrew Burger, *FERC Removes Obstacles that Limited Distributed Renewable Energy in Colorado*, RENEWABLE ENERGY WORLD (July 10, 2015). <http://www.renewableenergyworld.com/articles/2015/07/ferc-removes-obstacles-that-limit-distributed-renewable-energy-in-colorado.html>

Interviewed for SolarCitisuns video: <http://gosolarcolorado.org/>

Testified before the Colorado Senate Committee on Agriculture, Natural Resources, & Energy on February 19, 2015. The Committee was considering HB 15-1121, legislation addressing Wind Development Agreement Recording and Expiration. Professor DuVivier addressed the status of wind energy rights after severance has been banned. [http://coloradoga.granicus.com/MediaPlayer.php?view\\_id=39&clip\\_id=7010](http://coloradoga.granicus.com/MediaPlayer.php?view_id=39&clip_id=7010)

Serving as the University of Denver’s Principal Investigator (PI) for the following project that received funding as part of \$9.47 million the NSF awarded for research on coupled natural and human systems (CNH)—“Good Neighbors: Legal, economic and natural science analyses for wind plant impacts and interactions.”

[http://www.nsf.gov/awardsearch/showAward?AWD\\_ID=1413980](http://www.nsf.gov/awardsearch/showAward?AWD_ID=1413980)

For this grant, Professor DuVivier is partnering with two University of Colorado Boulder (UCB) professors: Assistant Professor Julie K. Lundquist of the UCB Department of Atmospheric and Oceanic Sciences and Associate Professor Daniel T. Kaffine of the UCB Department of Economics.

NSF work featured at University of Denver Founders’ Day Gala March 5, 2015 <https://vimeo.com/122064870> and excerpt at <https://vimeo.com/122434884>

Served as an expert on the “Mining Economics, Law, and Community Relations” panel as part of the Mining Law Regulatory Consultations sponsored by the U.S. Department of Commerce Commercial Law Development Program in coordination with Afghanistan Ministry of Mining and Petroleum and Mining Investment and Development for Afghan Sustainability (Colorado School of Mines October 16, 2014).

“Professor DuVivier honored by the American Association of Law Schools,” (Feb. 19, 2014): <http://www.enrlgp.blogspot.com/2014/02/professor-duvivier-honored-by-american.html>

Testified about net-metering at a Colorado Public Utilities Commission hearing on February 3, 2014. Public Testimony Hearing: 13A-0836E PSCo 2014 Renewable Energy.

Phone interview with AP reporter Donna Bryson on Feb. 4, 2014, for story about net-metering hearings: <http://denver.cbslocal.com/2014/03/12/contentious-solar-energy-issue-raised-in-colorado/>

*Better trees, not more, in Denver*, (Letter to the Editor about changes to Denver’s Million Tree program), DENVER POST, Sept. 20, 2013, at 23A, available at <http://blogs.denverpost.com/eletters/2013/09/19/denver-trees-quality-not-quantity/25423/>.

Retained to participate as an “Academic Partner” in a collaborative effort with the National Renewable Energy Laboratory (NREL) and contributed to the review of NREL’s policy staging research project and methodology documents concerning solar energy deployment (spring and summer of 2013).

Susan Dugan, *K.K. DuVivier Teaches An Ethic of Environmental Justice*, WASHINGTON PARK PROFILE, July 2013, at 4, available at [http://washingtonparkprofile.com/index.php?option=com\\_content&task=view&id=2554&Itemid=108](http://washingtonparkprofile.com/index.php?option=com_content&task=view&id=2554&Itemid=108).

Moderator for debate between Colorado Governor John Hickenlooper and Boulder County Commissioner Elise Jones (Apr. 1, 2013), available at [http://www.denverpost.com/breakingnews/ci\\_22918443/hickenlooper-defends-colorado-drilling-regulations-during-debate](http://www.denverpost.com/breakingnews/ci_22918443/hickenlooper-defends-colorado-drilling-regulations-during-debate)  
<http://kdvr.com/2013/04/01/gov-hickenlooper-heckled-at-du-fracking-debate/>.

Interviewed by Colorado Solar Energy Industries Association’s (COSEIA) Solar Friendly Communities program for training video titled: *A million trees, a million solar roofs: how can we have both?* (Oct. 2012), available at [https://www.youtube.com/watch?v=NRK\\_vOdwl8g](https://www.youtube.com/watch?v=NRK_vOdwl8g).

Net-zero, micro-load house designed by husband, Lance Wright, following the German Passive Haus standards won the Residential-New Construction category of the Colorado Renewable Energy Society's (CRES) 2012 Renewable Energy and Sustainable Design in Buildings Awards (May 2012), available at [http://cres-energy.org/clips/news\\_12may15\\_awd.html](http://cres-energy.org/clips/news_12may15_awd.html); [http://www.cres-energy.org/reba\\_2012\\_res.html](http://www.cres-energy.org/reba_2012_res.html).

Home selected to be on the 2012 Denver Area Sustainable Living Tour <http://www.cres-energy.org/events/tour/> and the National Solar Home Tour in 2008 and 2009.

Phone interview for CPR re Colorado and NRC struggle over permitting of Energy Fuels' Piñon Ridge uranium mill (Mar. 23, 2012).

Presented at Steve Daniels's Empirical Research Studies class (Feb. 28, 2012)—addressed successes, and mostly failures, of solar access legislation.

Participated in development of the following National Science Foundation grant proposal along with faculty in the University of Denver and University of Colorado's Physics' Departments: "Development and Dissemination of High Efficiency Organic and Organometallic Photovoltaics; Topic Area: Critical Elements & Materials for Sustainable Energy" (Jan. 2012).

"Who Owns the Wind?" Colorado Public Radio interview with Ryan Warner (Feb. 20, 2012), available at <http://www.cpr.org/news/story/who-owns-wind>

Peter Blake, *Lawmakers seek to harness the wind—legally speaking—and tie it to the land*, Colorado News Agency Covering the Capitol (Feb. 2, 2012), available at <http://www.coloradonewsagency.com/2012/02/02/lawmakers-seek-to-harness-the-wind%E2%80%94legally-speaking%E2%80%94and-tie-it-to-the-land/> reprinted in <http://www.ext.colostate.edu/energy/120307.html>.

Testified about wind energy and severance before the Colorado House Committee on Agriculture, Livestock, and Natural Resources on January 30, 2012. The Committee was considering HB 12-1105, legislation that addressed Wind Energy Property Rights. Professor DuVivier is an expert on wind energy and severance and has published several articles on the topic. See SSRN: <http://ssrn.com/author=725005>. After Professor DuVivier's testimony, the Committee voted unanimously in favor of the bill.

Testified about problems with coal fly ash at an EPA Office of Resource Conservation and Recovery Materials Recovery and Waste Management Division hearing concerning proposed new regulations on September 2, 2010, in Denver.



Near-net-zero home featured in news story: *Couple keeps cool with simple steps*, DENVER POST, June 27, 2010, at 3K, available at [http://www.denverpost.com/business/ci\\_15382529](http://www.denverpost.com/business/ci_15382529).

Interviewed for story on in situ uranium mining by Kirk Siegler of KUNC [http://www.npr.org/templates/story/story.php?storyId=128208291&utm\\_source=twitterfeed&utm\\_medium=twitter](http://www.npr.org/templates/story/story.php?storyId=128208291&utm_source=twitterfeed&utm_medium=twitter).

<http://www.publicbroadcasting.net/kunc/news.newsmain/article/1/0/1669323/Regional/Uranium.Mine.Sparks.Debate.over.Nuclear%27s.Future>.

Testified about in situ uranium mining before the Colorado Land Mine Reclamation Board ((April 15, 2010) and was interviewed afterward by Megan Verlee of Colorado Public Radio <http://tinyurl.com/y546sb8> and for a story in the Coloradoan.com “Meeting provides both sides of uranium debate” by Bobby Magill (April 16, 2010) <http://www.coloradoan.com/article/20100416/NEWS01/4160349/-1/NEWSFRONT2> <http://srph.it/b5GsNy>.

Interviewed and quoted in story about coal mine safety in DailyFinance: “The Coal Mine Disaster Shows Economics Still Trumps Safety” by Bruce Kennedy: <http://www.dailyfinance.com/story/company-news/underground-coal-mining-safety-vs-economics/19429036/>.

Interviewed and quoted in story about medical marijuana in The Aurora Sentinel: “Is a pot shop coming to s strip mall near you?” by Sara Castellanos (Apr. 9, 2010) <http://www.aurorasentinel.com/articles/2010/04/09/news/doc4bbf8ea304992317695841.txt>.

Testified about solar access problems related to the proposed Denver Zoning Code at The Denver Zoning Code Task Force Meeting (Oct. 28, 2009), West University Community Association (Nov. 11, 2009), Denver City Council Board of Adjustment Zoning Listening Session (Nov. 18, 2009).

Interviewed and quoted in headline story in the December 2009 Washington Park Profile, “‘Sustainability’ Still Undefined, Elusive in New Zoning Code” by Paul Kashmann [http://washingtonparkprofile.com/index.php?option=com\\_content&task=view&id=781&Itemid=1](http://washingtonparkprofile.com/index.php?option=com_content&task=view&id=781&Itemid=1).

Net-zero, micro-load house designed following the German Passive Haus standards was completed in late 2008 and selected to be on the National Solar Home Tour in October of 2008 and 2009.

Law School Admissions Council, *Writing Assessment Validity Study* (November 2005).

Anne Enquist, *Critiquing and Evaluating Law Students' Writing: Advice from Thirty-five Experts*, 22 SEATTLE U. L. REV. 1119 (1999) (participated in the study and listed as one of the thirty-five experts).

James F. Stratman, *Investigating the Case Reading and Analysis Process*, Spencer Foundation Research Project (Spring 1996) (participated in the study).

Hunter M. Breland, Sydell T. Carlton, and Susan Taylor, *Program of Research on Legal Writing: Phase II: Research on a Writing Exercise*, LAW SCHOOL ADMISSION COUNCIL RESEARCH REPORT 96-01 (Jan. 1998) (participated in the study).

Hunter M. Breland and Frederick M. Hart, *Defining Legal Writing: An Empirical Analysis of the Legal Memorandum*, LAW SCHOOL ADMISSION COUNCIL RESEARCH REPORT 93-06 (Apr. 1994) (participated in the study).

Periodically contacted by practitioners for editing assistance, training, and advice on legal topics. Some of those who have worked with me include the following: The Colorado Supreme Court Disciplinary Council, in-house counsel for large corporations, municipalities, attorneys from large and small Denver-area law firms, and attorneys for the U.S. Department of Justice.

## LEGAL EDUCATION & BAR ADMISSIONS

### University of Denver, College of Law

Juris Doctor awarded March 1982. Class rank: Top 10 percent.

#### Awards & Distinctions

- Order of St. Ives (upper 10 percent of class)
- Staff—Denver Law Journal
- American Jurisprudence Award for Evidence

Admitted to practice in Colorado and federal courts May/June 1982.

Since 2001: Martindale-Hubbell® AV Preeminent™ Rating

## UNDERGRADUATE EDUCATION

### Williams College, Williamstown, Massachusetts

Bachelor of Arts, English and Geology, June 1975

#### Awards & Distinctions

- Phi Beta Kappa
- Cum Laude

- Honors in English
- Free University (ran it for 2 years)

**BOARD DIRECTORSHIPS, OFFICES, & COMMITTEE ACTIVITIES**

**American Law Institute**

ALI Environmental Project Discussion Group	Jan 2012-2014
Member	2006 to present

**American Bar Association**

**Renewable, Alternative, and Distributed Energy Resources (RADER) Committee of the Section of Environment, Energy, and Resources (SEER)**

Vice Chair of Public Service	2010-2012
Vice Chair of Communications & Outreach	2012-present

**Hard Minerals Committee**

Vice-Chair	1985-1991
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**Alliance of Professional Women**

President	1988-1990
Vice-President	1987-1988
Executive Committee	1986-1990
Committee Chair	1985-1986
Founders' Activities	2015-present

**Association of American Law Schools**

Executive Committee—Natural Resources & Energy Section	2010-2015
Chair—Natural Resources & Energy Section	2014-2015

**Association of Legal Writing Directors**

Host for Biennial Conference	2000 to 2007
Presenter	2007
	2003, 2005, 2007

**Boulder Women's Bar Association**

President (for two terms)	1991-1993
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**Colorado Bar Association**

Natural Resources and Energy Law Section & Environmental Law Section

<b>Appellate Practice Subcommittee of the CBA</b>	1994 to 2007
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Chair	1/98-1/00, 1/04-1/06
Vice-chair	1/96-1/98, 1/00-1/04
<b>Colorado Renewable Energy Society</b>	
Board Member	2013
Faculty Sponsor for DU Chapter (DUCRES)	2012
<b>Colorado Sierra Club</b>	
Technical Advisory Team	2017
<b>GO Solar Colorado</b>	
Advisory Board Member	<a href="http://gosolarcolorado.org/">http://gosolarcolorado.org/</a> 11/2013-2015
<b>Institute of Energy Law, The Center for American and International Law (Plano, TX)</b>	
Sturm College of Law's Advisory Board Representative	2011-present
<b>Legal Writing Institute</b>	
Presenter	1990 to 2007 1994, 1996, 1998, 2000, 2002, 2006
Program Committee	1992-1994
New Member Committee	2000-2007
<b>Rocky Mountain Mineral Law Foundation</b>	
Trustee-at-Large	2012-2015
Mineral Law Education Committee	2013-2015
<b>University of Denver, College of Law</b>	
Co-director of the Alumni Relations Committee	1980-1981
<b>Work and Family Consortium</b>	
Board of Directors	1988-1990
Committee Chair	1990
<b>Williams College Alumni Association</b>	
Co-President of Denver Chapter	1984-1986