

Excerpt from Renewable Energy Reader Teacher's Manual
by K.K. DuVivier © 2011 kkduvivier@law.du.edu

Appendix 7
Skills Exercise
Chap. 3—Wind

Renewable Energy Law

Professor DuVivier 2011

Wind Exercise

Assignment

Each person is assigned to one of the clients and groups below. You may trade slots with a classmate, but both must confirm any changes with me.

Before the class on Thursday, September 8

The lawyers for each client must meet with the lawyers from the other two clients in their group to conduct a negotiation of an accommodation agreement. Use the sample Accommodation Agreement from pages 113 through 118 in Chapter 3 of the Renewable Energy Reader. Your negotiation will involve revisions to the sample. Bring a hard copy of the revised version with your changes to present during the class session on September 8 and to turn in at the end of class.

During the class period

Each group will present the agreement that you negotiated.

The class will be conducted as follows:

First 30 minutes— Each law-firm group will have 5 minutes to present their modified Accommodation Agreement discussing the negotiation process, specifically why you sought the changes you did and how you attempted to gain those changes from the other law firms.

Next 45 minutes— We will have a class discussion about the substantive and ethical components of the agreements and the negotiation process. Our guest will be Marcia Emmons, General Counsel and Secretary of Renewable Energy Systems Americas, Inc.

Substantive objective

The purpose of this assignment is to address ownership and access issues related to a wind power lease on land that is also being developed for oil and gas. In addition to considering the need for accommodation agreements and the elements to address in such agreements, the exercise is also intended to show the role of the lessor in these negotiations.

Skills objective

The skills component of this exercise is to learn ethical negotiation skills.

The following are helpful sources for this portion of the topic:

Charles B. Craver, *Negotiation Ethics: How to be Deceptive without Being Dishonest/ How to be Assertive without Being Offensive*, 38 S. Tex. L. Rev. 713 (1997).

Charles B. Craver, *Legal Negotiation Process and Techniques*, ALI-ABA Professional Skills Program on Effective Legal Negotiation and Settlement (June 28, 2010)
[http://files.ali-aba.org/thumbs/datastorage/skoobesruoc/pdf/CR634 chapter 01 thumb.pdf](http://files.ali-aba.org/thumbs/datastorage/skoobesruoc/pdf/CR634%20chapter%2001%20thumb.pdf)

<http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/gonlr31&div=25&id=&page=>