

EDITOR'S NOTE†

I. ENVIRONMENTAL REGULATION, ENERGY, AND MARKET ENTRY

On November 19, 2004, the Duke Environmental Law & Policy Forum (“DELPH”) held a symposium, examining the intersection of environmental regulation and energy markets. Some of the most talented, learned, and respected scholars, policy makers, and practitioners in the United States participated in this event. The live version is available at www.law.duke.edu/webcasts; A written version appears in the pages that follow and I will defer to our contributors’ expertise on the substance of the symposium.

On behalf of DELPH, I would like to extend thanks to the many people that made both the live and the published symposium such a success. First, I must thank our live panelists: Commissioner Suedeem G. Kelly of the Federal Energy Regulatory Commission and law professors Richard Pierce; Jim Rossi, David Spence; Jim Tomain; Joel Eisen; Christopher Schroeder; Dobie Langenkamp; Lincoln Pratson; and Steven Ferrey. Additionally, I must thank Commissioner Kelly, who has allowed us to publish an edited transcript of her talk; Professors Pierce, Rossi, Spence, Ferrey, and Dean Tomain, who have dedicated further effort in contributing their work to our written symposium; and Lena Hanson, who, as a non-lawyer, has endured the rigors of the law review publication process in contributing her Masters in Environmental Economic Policy thesis to this issue.

Further, I would like to thank our moderators: Professors Jonathan Weiner and Christopher Schroeder of the Duke Law School; Dean William Schlesinger of the Duke University Nicholas School of the Environment and Earth Sciences; and Mary Anne Sullivan of Hogan & Hartson, L.L.P., in Washington, D.C.

Of course, I must thank our sponsors without whose generous support this would not be possible: The Duke Law School; The Nicholas School of the Environment and Earth Sciences; Program in Public Law; the United Nations Foundation—The People Speak Program; Duke’s Terry Sanford Institute of Public Policy; the Duke Environmental Law Society; the Duke Law Democrats; Duke Law Re-

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publicans; the Duke Law Federalist Society; Mr. and Mrs. Edward and Elaine Saag; and Mr. and Mrs. Gregory and Barbra Nefouse.

Finally, I want to thank the people behind the scenes who made it possible, who are too numerous to name individually. Thank you to Dean Schlesinger of the Nicholas School and Dean Katherine T. Bartlett of the Duke Law School, for offering unyielding support for DELPF in general, and this symposium in particular. Thank you to the faculty members within the Duke Community who readily volunteered their time, thoughts, and colleagues in helping us find such outstanding panelists. Thank you to the technical support staff, the facilities staff, and the Office of Student Affairs.

Of course, I must thank the DELPF staff, particularly Allison Ridder and L. David Nefouse, whose tireless work and dedication allowed the symposium to run effortlessly.

The following pages conclude DELPF's fifteenth year. One of my great honors has been to serve the wonderful, dedicated staff of this organization.

II. A FORUM BY ANY OTHER NAME

I hope that the reader finds our little publication true to its title: a Forum. Legal scholarship has very few Forums (or Fora, if you will). It is full of "journals" and "reviews", but our designation is relatively rare. It stems from our historic roots as a annual interdisciplinary magazine. As we have grown out of that skin and into the shell of a more traditional "law journal" (though, if I do say so myself, our new cover looks quite a bit nicer than what you generally find on law journals, thanks to my predecessor Blake Klein) we have tried to stay true to our roots. We are a forum—a medium. We do not write the pieces we publish (though an occasional DELPF member does publish a note); We screen them and make them publishable, restraining the impulse to edit out the authors voice in favor of our own.

In a time when law journals are coming under attack and changing (who ever thought the most read journal published in Cambridge, Massachusetts would impose a page limit?) we'd like to think we've been on the vanguard. We seek pieces that are engaging, from a wide range of authors with varying backgrounds. In the past year, we have begun poaching the human capital at the Nicholas School, bringing

non-J.D. members on board to enhance our skill base and intellectual diversity.¹

DELPH has changed drastically in the past fifteen years and, undoubtedly, it will change more over the next fifteen. For those of us who have been lucky enough to be apart of it—to shape it—we can only hope it always remains a “Forum.”

1. Please see our masthead as it not only demonstrates this phenomenon but also acknowledges those have made DELPH what it is.