

Energy & Mineral Law Foundation
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Speakers' Biographies

Kevin C. Abbott **Reed Smith LLP**

Kevin is a partner in Reed Smith's Pittsburgh office. He has been recognized in *Pennsylvania Super Lawyers* in the energy field each year from 2004 through 2010 and is also listed in *Super Lawyers Corporate Counsel Edition* in the area of energy and natural resources. Kevin has represented companies in all facets of the natural gas business for 25 years. He represents exploration and development companies on various issues related to the exploration of the Marcellus Shale, including royalty disputes, lease issues and other litigation.

Kevin graduated from Indiana University of Pennsylvania *magna cum laude* in 1978 and the University of Pittsburgh School of Law *magna cum laude* in 1981. He clerked in the United States District Court for the Northern District of Ohio and the United States Court of Appeals for the Sixth Circuit. He is admitted to practice in Pennsylvania and West Virginia and the federal courts in Pennsylvania, West Virginia and Ohio.

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Nicolle R. Snyder Bagnell **Reed Smith LLP**

Nicolle R. Snyder Bagnell is a Partner at Reed Smith LLP in Pittsburgh. Nicolle has an A.B. from Harvard University, an M.A. from the Nicholas School of the Environment at Duke University, and a J.D. from Duke University School of Law. She has been selected as a "Pennsylvania Rising Star" by *Pennsylvania Super Lawyers* from 2005 to 2010. Nicolle was also recognized as one of Law 360's Energy Attorneys Under 40 to Watch in 2010 and 2011.

Nicolle is a member of Reed Smith's Environmental team within the Global Regulatory Enforcement Group. Her experience includes counseling clients on a variety of environmental matters, such as performing due diligence for large real estate transactions, advising clients on compliance with environmental regulations, and representing energy clients in various matters, particularly pipeline condemnations, encroachment cases, and various contract disputes. She is actively involved in litigation and regulatory issues regarding the Marcellus Shale in Appalachia, counseling clients on permitting and permit disputes, representing industry groups and producers in Minimum Royalty Act litigation and

many other lease disputes, and performing due diligence and providing advice for Marcellus Shale transactions. Nicolle has been named the Oil and Gas Chair for the Energy & Mineral Law Foundation's 32nd Annual Institute.

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Laura E. Beverage
Jackson Kelly PLLC

Laura E. Beverage is a Member of Jackson Kelly PLLC, and serves as Chair of the Firm's Occupational Safety and Health Practice Group. She is resident in the Denver Office where she served as the Administrative Manager from 1993 to 2001. She joined the Firm in 1980 after graduating from West Virginia University College of Law where she was elected to the Order of the Barristers. Ms. Beverage represents general industry and mining clients in a variety of matters including compliance issues, policy, legislative and regulatory matters, and civil and criminal enforcement issues, accident investigation, and discrimination claims on both state and federal levels. She has extensive experience involving issues under the Federal Mine Safety and Health Act, Occupational Safety and Health Act, and other state and federal safety and health statutes, including compliance under the Safe Explosives Act and the Surface Transportation Assistance Act.

Ms. Beverage serves on the safety and health committees of a number of state and national trade associations. She is also active in a number of organizations including the American Society of Safety Engineers, National Safety Council, Colorado Safety Association, Colorado Ready Mixed Concrete Association/Colorado Stone Sand & Gravel Association, National Stone, Sand & Gravel Association and the National Mining Association. Ms. Beverage co-chaired the Colorado Mining Association's Safety and Health Committee from 2000 to 2005, is a member of the Board of the Colorado Mining Association, and is Chair of the Colorado Mining Association's Board of Directors for 2008. She is a member of the Rocky Mountain Mineral Law Foundation and serves on the Board of Trustees of the Energy & Mineral Law Foundation. She is listed in the *Who's Who of International Mining Lawyers*, *The Best Lawyers in America*, and was listed in *Colorado Super Lawyers* in 2007 and 2008.

Ms. Beverage has authored several published materials and is a frequent writer and speaker on safety and health topics and has developed innovative training for supervisory employees under the Occupational Safety and Health Act and the Federal Mine Safety and Health Act.

Ms. Beverage has been admitted to practice in Colorado, West Virginia, the D.C. Circuit and the Fourth, Sixth, and Tenth Circuit Courts of Appeals.

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Steven M. Carpenter
Advanced Resources International, Inc.

Mr. Carpenter has been providing technical, engineering and policy support to private and public sector clients since 1986. He is a Subject Matter Expert for climate change, carbon and risk management issues for the Canadian Standards Association (CSA), International Standards Organization (ISO), the Interstate Oil & Gas Compact Commission (IOGCC), the Energy & Mineral Law Foundation (EMLF) and the US DOE. Mr. Carpenter's focus is on carbon capture & storage and related climate change/carbon management issues.

Previously, Mr. Carpenter has held the positions of Corporate Risk Manager, Director of Carbon & International Business Development and Director of Federal and Commercial Development. He has held public office and was elected to the position of Trustee with the Energy & Mineral Law Foundation.

Mr. Carpenter holds a B. A. in Physics from Earlham College and is completing graduate degrees in Public Policy and Law.

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Kevin L. Colosimo
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Mr. Colosimo is managing partner of Burleson's Pittsburgh office and concentrates his practice in the areas of energy law and business litigation. He also has experience in international trade and creditors' rights, and has provided counsel to clients on a range of other legal matters including risk management alternatives, claims assessment and litigation strategy. He has tried numerous cases to verdict in federal and state courts, and he has argued before the Pennsylvania Superior, Commonwealth and Supreme Courts and the United States District Court for the Third Circuit. He is admitted to the U.S. Supreme Court and the United States Court of International Trade. He is rated AV by Martindale Hubbell. Kevin is a Western Pennsylvania native and a graduate of Duquesne Law School, where he served on the *Law Review*.

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Nicholas J. Deluliis
CONSOL Energy Inc.

Nicholas J. Deluliis is President of CONSOL Energy Inc. He is responsible for all coal, natural gas and energy operations at CONSOL Energy.

After graduating with a degree in chemical engineering from Penn State, Mr. Deluliis began his career in CONSOL Energy's research and development group in 1990. While at CONSOL Energy, he obtained a master's degree in business administration and a juris doctorate degree, both from Duquesne University. He became the Vice President of Strategic Planning of CONSOL Energy where he was responsible for optimizing the value of CONSOL Energy's assets which, among other things, resulted in the creation of CNX Gas Corporation. He served as the President and CEO of CNX Gas from its inception in 2005 until early 2009.

Mr. Deluliis is vice chair of the board of directors of the World Coal Institute, Director At-Large of the board of directors of the Independent Petroleum Association of America, a director of the U.S. Chamber of Commerce, and a director of the Bituminous Coal Operators' Association, Inc. Regionally, he serves as a trustee of Carnegie Museums of Pittsburgh and the vice chairman of Carnegie Science Center; he is a director of the Allegheny Conference, a director of the University of Pittsburgh Cancer Institute, a director of the Pittsburgh Penguins Foundation and a director of the Catholic Foundation Advisory Board. He is a registered professional engineer in the Commonwealth of Pennsylvania and a member of the Pennsylvania Bar.

Mr. Deluliis received the 2007 Ernst & Young Entrepreneur of the Year® Award. In 2009 he was named Outstanding Engineering Alumnus by Penn State University and was the recipient of the Distinguished Alumni Achievement Award conferred by Duquesne University's Palumbo/Donahue School of Business.

CONSOL Energy Inc., a high-Btu bituminous coal and natural gas company, is a member of the Standard & Poor's 500 Equity Index and the Fortune 500. It has 12 bituminous coal mining complexes in six states and reports proven and probable coal reserves of 4.5 billion tons. It is also a majority owner of CNX Gas Corporation, a leading Appalachian gas producer, with proved reserves of over 1.4 trillion cubic feet. Additional information about CONSOL Energy can be found at its web site: www.consolenergy.com.

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Peter G. Diakov
Wyatt, Tarrant & Combs, LLP

Peter Diakov is a partner at Wyatt, Tarrant & Combs, LLP and a member of the firm's Corporate & Securities and Natural Resources & Environment Service Teams. He concentrates his practice in the areas of mergers and acquisitions and general business law with a focus in the mineral and energy industries. He advises clients with respect to formation, growth, reorganization, acquisition and divestiture strategies for their businesses as well as with respect to ongoing operational matters.

Peter received a B.A. in Economics from Furman University, an M.A. (Economics) from Duke University and a J.D. from the University of Louisville's Louis D. Brandeis School of Law,.

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Sharon O. Flanery
Steptoe & Johnson PLLC

Sharon Flanery is a member of Steptoe & Johnson PLLC and leads the firm's Energy group. She concentrates her practice in energy and mineral law with a client base that includes major oil and gas, coal, coalbed methane, pipeline and hydro companies. Her experience includes drafting, negotiating and interpretation experience with mergers and acquisitions, leases, joint venture agreements, contract mining agreements, joint operating agreements, sales and marketing agreements, and gathering, transportation, processing agreements as well as due diligence experience in acquisitions and divestitures.

Ms. Flanery is the recipient of the *Best Lawyers* Oil & Gas Lawyer of the Year award for 2011 for the Charleston, West Virginia metro area and has been recognized by "*The Best Lawyers in America*" in the fields of energy, mining, natural resources and oil and gas law. She is also recognized by "Chambers USA" leading lawyer in the Natural Resources field. Ms. Flanery previously served as Vice President of Exploration for Columbia Natural Resources Inc., where she was responsible for the Geoscience, Reservoir Engineering, Gas Supply, Marketing and Land Departments. She is the former Assistant General Counsel at Columbia Gas Transmission Corp. and NiSource Corporate Services Company and was a member of the Law Department of CONSOL Inc. in Pittsburgh. Before obtaining her law degree she worked as a reservoir engineer in Appalachia and also at Aramco in Saudi Arabia in the early 1980s.

Ms. Flanery serves on the Board of Directors for the Black Diamond Girl Scout Council and is a Trustee and Executive Committee member for the Energy & Mineral Law Foundation. Ms. Flanery is also a member of the Advisory Accreditation Committee for the Department of Petroleum Engineering at West Virginia University. Ms. Flanery has served on the Board of the West Virginia Chamber of Commerce and was President of the Alumni Association for WVU Minerals and Energy Resources Department. She is a past named Outstanding Alumni of the Year for the WVU Minerals and Energy Resources Department.

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Kevin J. Garber
Babst, Calland, Clements and Zomnir, P.C.

Mr. Garber is a shareholder and Chairman of the Environmental & Energy Group of Babst Calland Clements & Zomnir, P.C. A substantial part of Mr. Garber's practice concentrates on the federal Clean Water Act and Pennsylvania's Clean Streams Law issues facing the manufacturing, coal mining, and oil and gas industries, and on sewerage, storm water, and development issues facing municipalities, municipal authorities and developers. He represents oil and gas companies working in the Marcellus Shale industry; serves as counsel to the Pennsylvania Coal Association; and serves as special environmental counsel to many municipalities, authorities and developers in western Pennsylvania. Mr. Garber has written and lectured extensively on water and development issues.

Mr. Garber is ranked among Pennsylvania's top environmental lawyers in Chambers USA's America's Leading Business Lawyers®. He is listed in the Environmental Section and in the Water Section of The Best Lawyers in America®, and is recognized as one of Pennsylvania's Super Lawyers, according to an annual survey published in Philadelphia Magazine. He serves on the Council of the Pennsylvania Bar Association's Environmental, Mineral and Natural Resources Law Section and on an advisory committee to the Three Rivers Wet Weather Program. Mr. Garber is a member and past chairman of the Allegheny County Bar Association, Environmental Law Section and is a member of the Pennsylvania and American Bar Associations. He is a board member and the immediate past President and Chair of the Board of Directors of the Allegheny Land Trust in Pittsburgh, and is a member of the board of directors of the Local Government Academy, also in Pittsburgh.

Mr. Garber received his B.S. (Biology/Chemistry) from the Pennsylvania State University; his M.S. (Oceanography and Limnology) from the University of Wisconsin; his Ph.D. (Ecology) from the University of Pittsburgh; and his J.D. from Duquesne University. He is an adjunct professor at the Duquesne University School of Law, where he teaches courses in environmental law and litigation, and at the Bayer School of Natural Science, Duquesne University, where he also teaches a course in environmental law in the Masters Degree program. He is a member of the advisory board of Duquesne University's Center for Environmental Research and Education.

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Edward M. Green
Crowell & Moring LLP

Edward M. Green is senior counsel in the Washington, D.C. office of Crowell & Moring LLP where he specializes in regulatory and legislative matters affecting the mining and natural resources industries. Mr. Green's practice focuses on safety and health matters arising out of the Federal Mine Safety and Health Act of 1977 and the Occupational Safety and Health Act of 1970. He is especially

expert on complex occupational health issues relating to respirable dust, diesel particulate matter, silica, other airborne contaminants, occupational noise exposure, and the approval and certification of respirators and mining machinery and equipment.

Mr. Green also advises mining industry and other clients on compliance issues relating to the regulation of explosive materials by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”). He also advises a variety of clients on compliance issues concerning the National Firearms Act and the Gun Control Act, and the complex regulations which implement those statutes.

In addition to his regulatory and legislative practice, Mr. Green counsels non-profit organizations and trade associations. He is general outside counsel to such diverse organizations as the International Cyanide Management Institute and the U.S. Council for Landcare Initiative, Inc.

Before joining Crowell & Moring in 1993, beginning in 1970 Mr. Green was an attorney at the U.S. Department of the Interior specializing in mining issues. He drafted many of the mine safety and health regulations still in force today. From 1973 to 1975, he served as a special counsel to the Secretary of the Interior, charged with focusing on legal issues relating to the controversial bills being considered by the Congress that were ultimately enacted as the Surface Mining and Control and Reclamation Act of 1977. He received personal recognition for his efforts from President Richard Nixon. He then served as Special Assistant and Chief of Staff to the Administrator of the Mining Enforcement and Safety Administration (predecessor of MSHA), receiving a citation for meritorious service from Interior Secretary Cecil Andrus for that work.

Mr. Green left government service in 1977 to join the American Mining Congress (a predecessor organization to the National Mining Association). At AMC he served as general counsel and secretary. Among his primary responsibilities at AMC were oversight of the Association’s work on Executive Branch regulatory matters and management of AMC’s extensive litigation program.

Mr. Green has spoken and written extensively on mining topics. He is a past president of the Energy & Mineral Law Foundation, and continues as a trustee of that organization. He received both his B.A. degree and his J.D. degree from Boston University under the University’s Accelerated Combined Degree Program.

Mr. Green is admitted to practice before several U.S. Courts of Appeals and in the District of Columbia.

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Keith B. Hall
Stone Pigman Walther Wittmann L.L.C.

Keith B. Hall is a member of Stone Pigman Walther Wittmann L.L.C. His primary areas of practice are oil and gas law, commercial litigation, environmental law, and toxic tort litigation. He serves as Chair of the New Orleans Bar Association's Oil and Gas Section, as a member of the Louisiana Mineral Law Institute's Advisory Council, and as a member of the Advisory Council for the Louisiana State Bar Association's Environmental Law Section. Mr. Hall teaches Introduction to Mineral Law at Loyola University School of Law in New Orleans, and authors "Recent Developments in Mineral Law" for the bimonthly *Louisiana Bar Journal*. He also serves as Chair of the New Orleans Bar Association's annual "Litigation Lessons for Lawyers" CLE series.

He graduated *summa cum laude* from Loyola University Law School, where he served as Managing Editor of the *Loyola Law Review*, and from Louisiana State University, where he earned a B.S. in Chemical Engineering.

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Frank B. Harrington
Alpha Natural Resources Services, LLC

Frank B. Harrington is currently the Vice President and Deputy General Counsel – Mining for Alpha Natural Resources. Through its affiliates, Alpha is the third largest coal producer in the United States on the basis of tons produced with over 6,000 employees at operations in 5 states. Frank assumed his current position in August 2009, prior to which he served as in-house counsel for Foundation Coal since August 1, 2004. He is a member of the Pennsylvania and New Jersey bars and is admitted as corporate counsel to the Virginia bar.

Frank has been active in the coal industry since commencing his law practice with Buchanan Ingersoll, where he worked as an attorney starting in 1994. He was a member of the firm's Litigation Section and its Coal Industry Practice Group. His practice focused on complex commercial litigation and he worked on numerous high-profile matters involving coal producers. He has extensive experience with coal supply contracts and disputes arising under them.

Frank grew up in Rochester, New York and graduated from the University of Rochester in 1989. As part of his honors program in the political science department at Rochester, Frank wrote his thesis on "*Strategic Voting By Olympic Figure Skating Judges*." He remained in the Upstate New York area and attended law school at Syracuse University. He received his Juris Doctor degree in 1992. Upon graduation from law school, Frank served as a law clerk to the Honorable Sue L. Robinson of the United States District Court for the District of Delaware.

Frank is active in the Energy & Mineral Law Foundation and presently serves on its Board of Trustees. For the EMLF's 2007 Annual Institute, Frank authored and presented a chapter entitled "*Form Over Substance: Potential Pitfalls in Coal Trading Form Contracts.*" Frank served as the Coal Chair for the EMLF's 2010 Annual Institute.

Frank now resides in Bristol, Tennessee with his wife Kim and their 4-year-old daughter.

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Zafar Hasan
The AES Corporation

Zafar Hasan is an Assistant General Counsel with The AES Corporation, a Fortune 200 power corporation with headquarters in Arlington, Virginia. Mr. Hasan is AES' lead securities and governance attorney and manages the Corporate Secretary's Office for the company. In addition, he has primary legal responsibility for Corporate Finance at AES, including responsibility for financing and refinancing transactions within the company's \$20 billion debt portfolio.

Before joining AES in 2006, Zafar was an attorney-advisor in the Division of Corporation Finance at the Securities and Exchange Commission for three years. Prior to joining the SEC, Zafar worked in private practice as a corporate attorney with Mayer Brown and Foley & Lardner in Chicago, Illinois from 1996-2003. Mr. Hasan is a Phi Beta Kappa graduate of Northwestern University, earned a J.D. from the University of Michigan Law School in 1996 and obtained a Masters in Business Administration with Honors in Finance and Accounting from The University of Chicago Graduate School of Business. He resides in Mclean, Virginia with his wife and three children.

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Mark E. Heath
Spilman Thomas & Battle, PLLC

Mark E. Heath is a member of Spilman Thomas & Battle, PLLC, in the Charleston, West Virginia office. He concentrates his practice in safety issues, litigation and labor and employment law.

His work involves both federal and state court actions, as well as administrative cases before federal and state agencies. Mr. Heath represents employers on matters pertaining to the Mine Safety and Health Administration, the Occupational Safety and Health Administration, and state safety agencies with respect to interpretations of regulatory requirements, significant citations and orders, accident investigations, special investigations, and employment discrimination issues related to safety. Mr. Heath regularly tries cases before Federal Mine Safety and Health Review

Commission ALJs and before state mine safety boards in Kentucky and West Virginia.

Mr. Heath is a Trustee of the EMLF and has served as Secretary, Treasurer and a member of the Executive Committee for the Energy & Mineral Law Foundation and has been a frequent speaker at Foundation programs on Mine Safety Law, Annual Institutes and the Kentucky Mineral Law Conference.

From 1987 to 1989, Mr. Heath was a Captain with the United States Army Judge Advocate General's Corps, practicing in the areas of criminal justice, administrative law and labor and employment law. Mr. Heath graduated from the University of Kentucky College of Law (J.D. 1986). He did his undergraduate work at Western Kentucky University (B.A. *cum laude*, 1983).

Mr. Heath is a member of the bars of Kentucky and West Virginia. He is admitted to practice before the Supreme Courts of West Virginia and Kentucky, various U.S. District Courts, as well as the United States Courts of Appeals for the Fourth and Sixth Circuits, and the U.S. Supreme Court.

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**Melanie J. Kilpatrick
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Melanie Kilpatrick is a partner in the law firm of Rajkovich, Williams, Kilpatrick & True, PLLC in Lexington, Kentucky. She practices in the areas of mineral and energy, employment law, and commercial litigation. She has authored articles and given presentations on topics of interest in the mineral and energy and employment law fields. She is experienced in arguing appellate cases before the United States Court of Appeals, the Kentucky Court of Appeals and the Federal Mine Safety and Health Review Commission. Ms. Kilpatrick has been admitted to practice before the Kentucky Supreme Court, the United States District Courts for the Eastern and Western Districts of Kentucky, and the United States Courts of Appeals for the Fifth, Sixth and D.C. Circuits. Ms. Kilpatrick serves on the Board of Directors for the Thomas D. Clark Foundation and for Central Kentucky Radio Eye, Inc. She is a member of the Fayette County, Kentucky, Federal and American Bar Associations. Ms. Kilpatrick serves on the Scholarship Committee of the Energy & Mineral Law Foundation.

Ms. Kilpatrick was Articles Editor (1995-96) and a Staff Member (1994-95) for the *Kentucky Law Journal*. She served as law clerk to the Honorable Eugene E. Siler, Jr. on the United States Sixth Circuit Court of Appeals from 1996-97. Ms. Kilpatrick received her B.A. degree with High Honors in 1992 from the University of Virginia and her J.D. degree (valedictorian) from the University of Kentucky in 1996.

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J. Thomas Lane
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Tom Lane is a partner in the Bowles Rice Charleston office. He practices primarily in the areas of natural resources, coal, oil and gas, commercial real estate, zoning and land development. This practice ranges from complex transactions of mineral property and companies to complex litigation of natural resource issues. He also engages in lobbying and government relations, particularly on issues affecting the mineral industry.

As the former Robert T. Donley Adjunct Professor of Law at the West Virginia University College of Law, Tom taught a course in Coal, Oil and Gas Law (1986-2005). He compiled a teaching text on Coal, Oil and Gas and has published numerous articles, including "Rights-of-Way and Easements in Mineral Development;" "Maintaining Oil and Gas Leases in Distressed Markets;" "West Virginia Ad Valorem Property Taxes;" "Fire in the Hole to Longwall Shears, Old Law Applied to New Technology;" and "Accounting for Cotenants, Trustees, Lessees, Trespassers and the Like."

Tom is President of the Charleston City Council where he has been an elected member since 1987. He serves on the key committees of Council, is involved in various special projects from homeless shelters to public safety and has organized and oversees task forces to carry out a City plan on comprehensive improvements. Tom is active in a variety of church, civic and charitable endeavors.

Tom is trustee and past president of the Energy & Mineral Law Foundation and past president and chairman of the Executive Council of The West Virginia Bar Association. He is also the chairman of the Charleston Land Trust.

An owner of a land development company, Tom is involved in land development, construction and rental. His favorite pastime is landscaping and gardening, and he would rather work on his tractor than watch football. Time on the tractor competes, however, with tennis. Tom is an avid player with a 4.0 NTRP rating. He competes in many local and regional tournaments. In his spare time, Tom likes to work on cars and has on occasion restored an old Porsche or two. As a private pilot, Tom likes to travel by plane.

Tom received his bachelor of arts degree in 1968 from Washington & Jefferson College and his law degree in 1973 from West Virginia University. He served in the United States Army (1969-1971), and was a Law Clerk to the Honorable John A. Field Jr., United States Court of Appeals for the Fourth Circuit (1974-1975). Tom is a member of the Fourth Circuit Judicial Conference.

Since 1989, Tom has been listed in "*The Best Lawyers in America*" by Woodward/White, Inc.; he has an AV rating with Martindale-Hubbell; and he is

listed in Chambers USA “*America’s Leading Business Lawyers.*” In 2006, Tom was awarded the annual McClaugherty Award by the Energy & Mineral Law Foundation for distinguished service to the natural resource profession. In 2009 Tom was recognized by *West Virginia Super Lawyers* as one of “West Virginia Top 10 Super Lawyers” and recently he was selected as *The Best Lawyers in America’s* 2010 Real Estate Lawyer of the Year for Charleston, West Virginia.

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John R. Leathers
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John R. Leathers is a shareholder in the Pittsburgh, Pennsylvania, office of Buchanan Ingersoll & Rooney PC. He has been General Counsel to the Firm since 2005. Prior to becoming General Counsel, Mr. Leathers had a practice which concentrated in commercial litigation, including that specifically related to disputes arising from regulatory and business issues involved in all areas of mineral law. He is a frequent speaker at presentations related to professional ethics, having made such presentations for many organizations.

Prior to entering the private practice of law, Mr. Leathers was for sixteen years a law professor, having taught at Columbia Law School, the University of Houston, the University of Oklahoma and the University of Kentucky. His teaching fields included Conflict of Laws, Federal Civil Procedure and Federal Jurisdiction. Mr. Leathers has published frequently, being the author of more than twenty articles.

Mr. Leathers is a graduate of the University of Texas at El Paso, holds a law degree from the University of New Mexico School of Law and received an LL.M. from Columbia Law School.

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Alexander Macia
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Alexander Macia is a member of Spilman Thomas & Battle, PLLC in Charleston, West Virginia and practices in the Government Relations and Litigation departments. Mr. Macia earned a B.A. degree, *summa cum laude*, from West Virginia University and a J.D., with honors, from the George Washington University. Prior to joining Spilman Thomas & Battle, Mr. Macia served first as General Counsel, then Chief of Staff, to West Virginia Governor Bob Wise. In that capacity, Mr. Macia drafted mine safety and trucking safety and regulation legislation. In his government relations practice, Mr. Macia concentrates on administrative practice before state agencies and lobbying the West Virginia state legislature on a variety of issues, including healthcare, energy, consumer

finance, and insurance. Mr. Macia's litigation practice focuses on representing employers in deliberate intent, personal injury, and employment cases, as well as representation of mine operators in special investigations and litigation before the Federal Mine Safety and Health Review Commission. Mr. Macia is licensed in West Virginia and is a member of the Executive Council of the West Virginia Bar Association.

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Patrick W. Mattingly
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Patrick Mattingly is a partner at Wyatt, Tarrant & Combs, LLP where he has practiced general business law for 30 years, serving entrepreneurs and middle market businesses as well as investors and management teams that provide equity, debt and intellectual capital to grow those businesses. He has spent the last several years working for clients in the mineral and energy industries. He concentrates his practice primarily in the areas of mergers and acquisitions, raising debt and equity capital and strategic partnerships. Within the law firm, he serves as Chairman of the Natural Resources and Environmental Service Team. He is recognized by his peers in Chambers USA, America's Leading Lawyers for Business; Woodward/White's The Best Lawyers in America and as one of the Kentucky's Super Lawyers.

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R. Timothy McCrum
Crowell & Moring LLP

R. Timothy McCrum is a Partner in the Washington, D.C. office of Crowell & Moring LLP with the firm's Environment & Natural Resources Group. With Crowell & Moring since 1986, he has experience with a wide variety of issues involving litigation, legislation, rulemaking, negotiation, and counseling. Mr. McCrum has litigated cases and counseled companies in matters arising under CERCLA, the Resource Conservation and Recovery Act, the Clean Water Act, the National Environmental Policy Act, the National Historic Preservation Act, the Endangered Species Act, the Federal Land Policy and Management Act, the General Mining Laws, and the federal mineral leasing laws. He has represented companies in administrative permitting processes and litigation involving controversial projects ranging from gold mines to oil and gas exploration and production facilities. Mr. McCrum has litigated successfully before the U.S. Supreme Court, and recently before the federal district court and Third Circuit Court of Appeals in Pennsylvania (*Minard Run Oil Co. and Pennsylvania Independent Oil and Gas Association v. U.S. Forest Service and the Sierra Club*) challenging Forest Service actions which negatively affected private mineral estate oil and gas development in the Allegheny National Forest.

From 1984 to 1986, Mr. McCrum served as an attorney with the Energy and Resources Division of the Solicitor's Office, U.S. Department of the Interior. He has served as the Chair of the Mining Committee of the American Bar Association's Section of Environment, Energy and Resources Law (1997-99), and a Trustee of the Rocky Mountain Mineral Law Foundation (2000-03). In 2000 he served as a member of the Bush-Cheney Transition, Interior Advisory Committee. He is listed in Who's Who in American Law, Who's Who in America, and Best Lawyers in America. Mr. McCrum holds a B.A. degree in geology from Franklin & Marshall College (1980), and a J.D. degree from Lewis and Clark School of Law (1983). He is admitted to practice in the District of Columbia, several U.S. Courts of Appeals, and the U.S. Supreme Court.

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Douglas C. McElwee is a member in the Charleston, WV office of Robinson & McElwee PLLC. Mr. McElwee has been practicing in the mineral and energy law field for nearly 28 years representing clients in acquisitions, dispositions and day-to-day operational issues. His years of experience with operational issues have provided Mr. McElwee with an understanding and appreciation of the business issues faced by the mineral industry, in addition to an understanding of the applicable law. His background includes every aspect of examining, reviewing and certifying mineral titles. He is a title agent for First American Title Insurance Company and Old Republic National Title Insurance Company. Mr. McElwee is an Assistant Managing Member at Robinson & McElwee. He has been a frequent speaker and author, including past presentations at EMLF annual and special institutes.

Mr. McElwee earned his B.A. degree from Hampden-Sydney College and his J.D. degree from West Virginia University. He has been recognized as one of the Best Lawyers of the Virginias, Real Estate, by *Super Lawyers*, and one of America's Leading Lawyers, Real Estate, by *Chambers USA*.

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Robert G. McLusky
Jackson Kelly PLLC

Robert G. McLusky is a Member in the Firm's Environmental Law Practice Group in Charleston, West Virginia. Mr. McLusky's practice focuses on environmental litigation and client counseling for the chemical and coal industries in West Virginia and surrounding states. He provides advice on permitting, surface mining, water discharge,

and other environmental issues. His areas of practice are Coal, Energy and Natural Resources, Environmental, Environmental Litigation, Facility Siting, Litigation, Mining and Reclamation, Superfund/CERCLA, Water Quality and Permitting. For the past decade, most of his time has been spent representing the coal industry in the mountaintop mining controversy: *OVEC v. Aracoma Coal Co.*, 556 F.3d 177 (4th Cir. 2009); *OVEC v. Bulen*, 429 F.3d 493 (4th Cir. 2005); *Kentuckians for the Commonwealth v. Rivenburgh*, 317 F.3d 425 (4th Cir. 2003), and *West Virginia Coal Association v. Bragg*, 248 F.3d 275 (4th Cir. 2001)). He has also represented much of the coal industry in water permitting and compliance issues concerning selenium.

Mr. McLusky has been admitted to the United States Supreme Court; U.S. Circuit Court of Appeals, District of Columbia Circuit; U.S. Circuit Court of Appeals for the Fourth Circuit; U.S. District Court, Northern District of WV; U.S. District Court, Southern District of WV; and the West Virginia Supreme Court.

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Kris D. Meade
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Kris D. Meade is a partner and co-chair of Crowell & Moring's Labor and Employment Group. He counsels and represents employers in the full range of employment and traditional labor law matters, including individual and class action lawsuits filed under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, ERISA, and companion state statutes. Kris represents employers in connection with union organizing campaigns, collective bargaining, labor arbitrations, and unfair labor practice litigation.

Kris also counsels and represents employers in connection with affirmative action compliance matters, including the Office of Federal Contract Compliance Programs' corporate management (or "glass ceiling") reviews and affirmative action compliance audits. He represents and counsels employers in business tort cases, Sarbanes-Oxley whistleblower retaliation matters, matters involving the protection of trade secrets, and litigation over non-competition agreements and other restrictive covenants.

Kris has particular expertise in conducting sophisticated statistical analyses in connection with employment class action litigation, compensation audits conducted by the Office of Federal Contract Compliance Programs, and self-audits conducted by employers to ensure compliance with federal regulations, Title VII, and the Equal Pay Act. He frequently teams with statisticians who serve as consulting or testifying experts in private litigation or government enforcement actions. In addition, Kris has substantial expertise in managing and coordinating large-scale discovery in nationwide, serial litigation.

Kris is a member of the Firm's Privacy and Data Protection team. In that capacity, he teams with lawyers from our European offices to assist clients with their

implementation of global privacy programs, compliance with the "Safe Harbor" scheme administered by the US Department of Commerce, and compliance with the expanding patchwork of state laws implicating privacy concerns, including state security breach notification laws. Kris regularly advises clients regarding possible cross-border data transfer solutions, including the use of model transborder data flow agreements, Safe Harbor registration, and binding corporate rules, taking into account the client's data flows and corporate structure. He has likewise assisted clients in their efforts to comply with state security breach notification laws, both in the context of actual security breaches and in implementing appropriate pre-breach measures to ensure compliance with those laws that require pre-breach measures.

Kris received a Bachelor of Arts *summa cum laude* from the University of Michigan, where he was elected to Phi Beta Kappa. He graduated *with honors* from The George Washington University Law School. He is a member of the Maryland and District of Columbia bars.

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Richard T. Miller
Alpha Natural Resources, Inc.

Richard Miller provides legal support for the business units of Alpha Natural Resources, Inc. in Illinois, Indiana and Pennsylvania, including Alpha's natural gas operations in Pennsylvania. Richard's practice areas include environmental regulation, health and safety, litigation, local ordinances and zoning, mineral law (coal and natural gas, including methane gas), procurement/purchasing and real property. Richard joined Foundation Coal Corporation in 2004 as a Senior Attorney and was promoted to Assistant General Counsel in 2008. When Alpha Natural Resources and Foundation Coal Corporation merged in 2009, Richard's title was changed to Vice President and Assistant General Counsel.

Prior to entering the coal and natural gas industries, Richard practiced law in the field of electric and gas utility regulation with the law firm of Swidler Berlin Shereff Friedman, LLP in Washington, DC and, later, with the Maryland People's Counsel in Baltimore. He also worked for the Securities and Exchange Commission and the law firm of Fulbright & Jaworski in Washington, DC. Richard is admitted to the bars of the District of Columbia and Maryland.

In 1981 and 1982, Richard studied economics at the Centre for Development Studies at the University of Wales with a Rotary International scholarship. He received his J.D. degree from the University of Iowa in 1986 and his A.B. degree from Harvard College in 1981. Richard was born and raised on his family's farm in Iowa.

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Timothy M. Miller
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Timothy M. Miller is a Member with the firm of Robinson & McElwee PLLC in the Charleston, West Virginia office, and Chair of the Litigation Department. His practice focuses on energy and natural resources law, and related corporate representation and civil litigation. He has tried numerous civil cases to jury trial conclusion in federal and state courts throughout West Virginia. Mr. Miller has significant experience in complex litigation and class action litigation, including cases before the West Virginia Mass Litigation Panel and the West Virginia Supreme Court of Appeals. He regularly represents natural resource companies in various matters related to title, contract, royalty, property damage, environmental claims and other disputes, and also represents oil and gas companies before various permitting and regulatory agencies. He is recognized in Woodward and White's publication *The Best Lawyers in America*® in the area of Oil and Gas Law, and has been selected as one of West Virginia's "Super Lawyers" in the area of Civil Litigation Defense by the publication *Super Lawyers*®.

Mr. Miller received his Bachelor of Science degree in Business Administration from West Virginia University in 1977, and received his Juris Doctor degree from the West Virginia University College of Law in 1980. He is a member of the Defense Research Institute, the Defense Trial Counsel of West Virginia, the American Bar Association, Section of Litigation, and the Energy & Mineral Law Foundation, serving currently as Secretary and Treasurer, Trustee-at-Large and as a member of the Executive Committee. He also serves on the Board of Directors for the United Way of Central West Virginia. For more information about Mr. Miller and his firm, go to www.ramlaw.com.

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R. Henry Moore
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R. Henry ("Hank") Moore is a Member of Jackson Kelly PLLC and is resident in the firm's Pittsburgh, Pennsylvania office.

Mr. Moore is a member of Jackson Kelly's wide Occupational Safety and Health Practice Group. His practice is primarily concentrated in the areas of compliance counseling, litigation of civil and criminal enforcement matters, accident investigation and discrimination claims under both state and federal statutory provisions. His career in occupational safety and health law commenced in 1978, and he has counseled

clients in a variety of industries including coal mining, metal and nonmetal mining, stone, sand and gravel operations. In addition, his practice extends to labor and employment issues, including representing employers in investigations by the U.S. Department of Labor and in litigation under the various federal whistleblower statutes.

Mr. Moore was a member of the lead defense team and successfully represented several corporate and individual clients in nationwide dust sampling fraud litigation under the Federal Mine Safety and Health Act of 1977. He has represented clients subject to criminal investigation and prosecution under the Federal Mine Safety and Health Act, including the falsification of training records and tampering with respirable coal mine dust samples. He has represented mine operators in cases involving mine explosions which resulted in multiple fatalities in proceedings up through appeals to the United States Court of Appeals. On a number of occasions, he has been involved at the mine site immediately after an explosion to counsel the operator through the initial phases of rescue and recovery. He has represented mine operators in other cases up through the United States Court of Appeals involving issues of coal mine ventilation, mine safety discrimination and liability for contractor violations.

Mr. Moore is a 1976 graduate of the Dickinson School of Law and a 1972 graduate of Dartmouth College. He is admitted to practice before the Pennsylvania Supreme Court, the U.S. District Court for the Western District of Pennsylvania and the U.S. Courts of Appeals for the Third, Fourth, Sixth, Seventh, Ninth and District of Columbia Circuits.

Mr. Moore is a Trustee of the Energy & Mineral Law Foundation, a Director of the Pittsburgh Coal Mining Institute of America, and a member of the Occupational Safety and Health Law Committee of the American Bar Association. He has been selected by his peers for inclusion in *The Best Lawyers in America*® from 2009-2011.

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Ryan J. Morgan
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Ryan J. Morgan concentrates his practice in the areas of energy, coal, oil, and gas with extensive experience in transactional, regulatory and title matters. He has assisted in several multi-million dollar transactions involving the sale and purchase of mineral assets and related facilities, and has extensive experience guiding due diligence and title projects for major exploration and production companies operating in the Appalachian basin. He also has extensive experience representing energy clients before regulatory agencies and provided guidance in developing the processes to establish pooling units for the largest active coalbed methane production program in West Virginia.

Morgan is a graduate of West Virginia University College of Law and received his undergraduate degree from Swarthmore College. While at WVU, he was a member of the *West Virginia Law Review* and the Order of the Coif.

Morgan is a member of the Board of Directors of the Sistersville General Hospital Foundation, Chair of the Sistersville Heritage Foundation, and an active member of the West Virginia Governor's School Advisory Committee, Independent Oil & Gas Association, Energy & Mineral Law Foundation, NALTA, UTEC and the Corporate Board of HOBY State Leadership Program.

He is a regular author and presenter at seminars and industry events, including the "Lease Maintenance Challenges," for the Rocky Mountain Mineral Law Foundation/Energy & Mineral Law Foundation Joint Conference on Development Issues in Major Shale Plays in 2010; "East Meets West: An Overview of Operational Differences in Appalachia," presented at the 2010 NALTA Annual Conference; and "Special Provisions for Pooling and Horizontal Drilling," presented at the 2010 Michael Late Benedum Chapter, AAPL, Spring Meeting.

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**C. David Morrison
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C. David Morrison, Steptoe & Johnson PLLC, was Chair of the firm's Labor and Employment Department from 1994 to 2010. His office is located in Bridgeport, West Virginia. He has 29 years of experience in employment counseling, supervisory training and litigation in state and federal courts as well as before federal agencies such as the NLRB. In addition, David handles "deliberate intent" claims on behalf of employers in West Virginia.

Currently, David is the immediate past President of the Energy & Mineral Law Foundation, an Executive Committee member of EMLF, a permanent member of the Fourth Circuit Judicial Conference, a member of the Employment Law Committee of the West Virginia State Bar, and a member of the Employment Law Section of the American Bar Association. He chaired the Academic Excellence Committee for Harrison County Catholic Schools for a number of years. He is a past member and executive committee member of the Board of Trustees of Alderson-Broaddus College, where he served for 12 years. He has also coached youth league sports for 32 different seasons.

David is a Fellow in the College of Labor & Employment Lawyers and has been recognized by Chambers USA as a "leading lawyer" for employment law since 2004, has been listed in "Best Lawyers in America" for employment, labor law and mining law since 2005, and has been identified as a West Virginia "Super Lawyer" in employment law since 2006. He has presented over 75 seminars, and has served as an adjunct lecturer on both trial advocacy and pre-trial strategies at the West Virginia University College of Law.

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Kirsten L. Nathanson
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Kirsten L. Nathanson is a partner in the Washington, D.C. office of Crowell & Moring LLP and a member of the firm's Environment & Natural Resources Group. Her practice focuses on environmental litigation, enforcement defense, risk assessment, and regulatory counseling under the major federal environmental and public lands statutes. Her litigation experience covers the Clean Water Act, Clean Air Act, Endangered Species Act, NEPA, SMCRA, RCRA, and CERCLA, encompassing citizen suit defense, regulatory challenges, remediation cost recovery and defense, Administrative Procedure Act actions, and EPA enforcement.

Her current practice includes defending a natural gas company in a threatened Clean Water Act citizen suit related to operations in the Marcellus shale; representing a coal company in a citizen suit brought under RCRA and SMCRA related to the company's handling and disposal of coal ash; serving as national coordinating counsel to a major industrial corporation in its toxic tort litigation; representing a coal company in litigation under NEPA and other federal public lands law related to future operations in the Powder River Basin; representing a corporation at the Berry's Creek Study Area, a complex multi-party contaminated sediment CERCLA site; litigation for the National Mining Association against EPA and the Corps of Engineers under the APA, Clean Water Act, NEPA, and SMCRA challenging the Enhanced Coordination Process and Detailed Guidance directed toward eastern U.S. coal mining operations; and serving as Clean Water Act regulatory and litigation counsel to multiple national trade associations serving agriculture and forestry.

Kirsten currently serves as the President of the Energy & Mineral Law Foundation and also leads the Crowell & Moring Women Attorneys' Network. She obtained her B.A. *cum laude* from the University of Pennsylvania and her J.D. with high honors from the George Washington University Law School, where she was an editor on the Law Review and a member of The Order of the Coif.

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Amy I. Pandit
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Amy I. Pandit is a Shareholder in the Pittsburgh office of Buchanan Ingersoll & Rooney PC. She has represented corporate clients in diverse and complex corporate finance transactions and matters. These include public offerings of equity and debt securities, private placements, venture financings, mergers and acquisitions, and federal securities law compliance.

Amy's representations include representing publicly-traded corporations in connection

with a myriad of corporate and securities matters. Her representations also include assisting them with complex executive compensation matters ranging from drafting and negotiating executive employment agreements to assisting private and public companies in the development of overall executive and employee compensation programs. Amy is vice chair of the firm's Executive Compensation Group and a member of the Steering Committee of the Securities/SEC Group.

Prior to joining Buchanan, Amy was a corporate associate with a major New York City-based law firm. While there, she focused on mergers and acquisitions for public and private companies, initial and secondary public offerings, federal securities law compliance representing companies and executive officers and directors, and private placements on behalf of public companies.

In addition to her law degree from Boston University, she studied at the New York University Law School. In 2005, 2006 and 2007, she was named a Pennsylvania Rising Star in *Philadelphia Magazine*.

Amy received her J.D., *cum laude*, from Boston University School of Law, an M.A.L.D. from Tufts University and a B.A. from Northwestern University. She is admitted to practice in New York and Pennsylvania.

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Mr. Douglas R. Richmond is Senior Vice President in the Professional Services Group of Aon Risk Services, where he consults with law firms on ethics and professional liability issues. Before joining Aon, Doug was a partner with Armstrong Teasdale LLP in Kansas City. He has tried numerous cases in federal and state courts throughout Kansas and Missouri. He is a nationally recognized expert on insurance law and professional responsibility, and the overlap between the two. His law review articles on these subjects have been relied upon or cited as authoritative by numerous federal and state appellate courts. In 1998, he was named the nation's top defense lawyer in an insurance industry poll as reported in the publications "Inside Litigation" and "Of Counsel." He teaches Legal Ethics at the Northwestern University School of Law. He previously taught Insurance Law at the University of Missouri School of Law, and Insurance Law and Trial Advocacy at the University of Kansas School of Law.

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David G. Ries
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David G. Ries is a partner in the Pittsburgh, Pennsylvania, office of Thorp Reed & Armstrong, LLP, where he practices in the areas of environmental, commercial and technology litigation. He chairs his firm's E-Discovery and Records Management Group. He is a Past President of the Energy & Mineral Law Foundation and served two terms as a member and chair of a hearing committee for the Disciplinary Board of the Supreme Court of Pennsylvania. Dave received his B.A. from Boston College in 1971 and his J.D. from Boston College Law School in 1974 where he was a member of the *Boston College Industrial and Commercial Law Review*.

His environmental practice over the last 35 years has included a broad range of issues in federal and state courts and before administrative agencies, including CERCLA litigation, Clean Water Act litigation, solid and hazardous waste issues, Clean Air Act litigation, storage tank litigation, court and administrative challenges to regulatory programs and defense of penalty actions. His technology practice has included a variety of litigation matters, including major systems implementations, and advising clients on a number of technology law issues such as hardware and software agreements, domain name disputes, information security, privacy regulations, records management and electronic contracting. He has regularly represented energy companies.

Dave has frequently spoken and written on environmental, technology, and ethics issues for legal, academic and professional groups including the EMLF, the American Bar Association, the Association of Corporate Counsel, the Pennsylvania Bar Institute, Carnegie Mellon University, Duquesne University, the American Academy of Forensic Sciences, and the National Groundwater Association.

Some of his recent ethics presentations for EMLF include an annual *Ethics Update, Attorneys and Clients in Conflict, E-Discovery Ethics: Staying Out of the Briar Patch*, and *Multijurisdictional Practice: Lawyering Here, There and Everywhere*.

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Justin W. Ross
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Justin W. Ross is an associate in the Lexington, Kentucky office of Wyatt, Tarrant & Combs, LLP and a member of the firm's Litigation and Dispute Resolution team. His practice primarily involves commercial disputes in the energy industry,

and has focused on coal supply agreement matters. He contributed to the inaugural EMLF News Update and spoke at the 2010 EMLF Annual Institute.

Justin grew up in Ashland, Kentucky and received his B.A. in Economics from Wake Forest University, where he was inducted into the Omicron Delta Epsilon Economics Honor Society. He obtained his J.D. from the University of Kentucky College of Law and worked on the *Journal of Natural Resources and Environmental Law*. Justin serves on the Board of Directors of Big Brothers Big Sisters of the Bluegrass and has acted as a volunteer big brother for the past four years.

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Arnold L. Schulberg
Attorney at Law, PLLC

Arnold L. Schulberg, Certified Professional Landman, is an attorney in private practice in Hurricane, West Virginia. He is admitted to practice in Ohio, Pennsylvania and West Virginia, with a practice consisting primarily of oil and gas work, including the preparation of oil and gas title opinions and advising clients on transactional matters. He is also of counsel to the firm of Babst, Calland, Clements & Zomnir of Pittsburgh, Pennsylvania.

Arnie graduated from the University of Pittsburgh in 1974 with a B.S. in Psychology and then attended the Duquesne University School of Law, graduating in 1977 with his J.D. degree. He was a sole practitioner with a business and energy law practice and held a part-time position with the Mental Health Advocacy Unit of the Allegheny County Public Defenders Office. In 1983 he joined CNG Development Company as a Senior Contracts Negotiator (later Senior Contracts Landman) working primarily in the areas of farmouts, joint operating agreements and joint ventures.

He returned to private practice in late 1990 and focused his law practice on oil and gas title opinions and other natural resources transactional work. In March 1995, Arnie formed Huron Land Services, LLC, to handle land-related services for his clients including acting as lead broker and performing due diligence work.

Arnie has been an active member of the Michael Late Benedum Chapter of the American Association of Professional Landmen, having served as secretary, vice-president and president. He has also served on the Executive Committee and is a past Director from the MLBC to the national AAPL. His past service to AAPL includes national Secretary (2005-2006) and Chairman of the Annual Meeting Committee for the 1998 Annual Meeting in Pittsburgh, for which he received a Special APEX award in 1999. He has twice served as Chairman of the Forms Committee (2000-01 and 2002-03) and was the Chairman of Task Force that created the Coalbed Methane Joint Operating Agreement.

Arnie was involved in the creation of the Master Land Services Contract (MLSC) approved by AAPL in 2001 and was co-author with Michael E. Curry, RLP, of an article presenting and explaining the MLSC in the July/August 2001 issue of *Landman* magazine. Arnie made a presentation on the MLSC at the Annual Institute of the Energy & Mineral Law Foundation in 2002 and co-authored an article on that topic published in the Foundation's Annual Proceedings.

Arnie's participation with EMLF has been extensive. He is currently a Trustee of the organization and in the past has served as Program Chairman, Special Institute on Joint Operating Agreements (1988), Chairman, Landmen's Subcommittee, Tenth Annual Institute (1989), Annual Institute Program Chairman, Twelfth Annual Institute (1991) and, most recently, Program Chairman, Abstracting Titles in the Appalachian Basin (March 2011).

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Mandi L. Scott
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An associate attorney at Goehring, Rutter & Boehm, Mandi is active in the firm's School and Municipal Law and Litigation Groups, with a focus on appellate practice. In the area of oil and gas, Mandi represents companies in various litigation matters, property owners in the negotiation of leases and the firm's municipal clients in zoning and preemption issues. In 2010, Mandi was named a Pennsylvania Super Lawyer Rising Star in the area of appellate practice.

Mandi is admitted to practice in all Pennsylvania and West Virginia State Courts, as well as the United States District Court for the Western District of Pennsylvania, the United States Third Circuit Appellate Court and the United States Supreme Court. She is a member of the Pennsylvania and Allegheny County Bar Associations.

Mandi graduated *magna cum laude* from Bucknell University in 2001, receiving a dual degree in Economics and Political Science. While at Bucknell, she was elected Phi Beta Kappa. After college, Mandi worked for a Washington, D.C. based law firm before attending law school at the George Mason University School of Law, where she graduated *magna cum laude* in 2004.

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Eric Waller is Senior Counsel at the Charleston office of Patriot Coal Services, LLC, an affiliate of St. Louis, Missouri based Patriot Coal Corporation. Eric primarily oversees mine safety & health litigation in West Virginia and Kentucky for Patriot and its

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A native of Williams Mountain in rural Boone County, West Virginia, Eric graduated with a B.S. in finance from the WVU College of Business and Economics in 2001. Eric obtained his J.D. from the WVU College of Law in 2004, where he graduated as a member of the Order of the Coif. Eric is also a member of the West Virginia Symphony Orchestra Board of Directors, WV Chamber of Commerce Environmental Committee, and the WV Coal Association's Friends of Coal. Eric currently resides in Charleston, West Virginia.

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Dan Wolff is a counsel with Crowell & Moring in the firm's Environment & Natural Resources Group in Washington, D.C. His practice extends broadly to appellate, trial, and administrative counseling on a number of areas of environmental and natural resources law, including mine safety and health, public lands, and Superfund, as well as general litigation.

As it regards mine safety and health, Dan's practice covers all aspects of regulatory compliance and enforcement defense related to the Mine Act. Dan regularly represents mine operators in enforcement matters before the Federal Mine Safety and Health Review Commission, in special investigations of individual managers facing potential civil or criminal liability, and in petitions to

the Mine Safety and Health Administration (MSHA) seeking modifications to the application of safety standards. Recently, Dan was part of the Crowell & Moring litigation team that represented the Freedom Mine in federal district court in Kentucky in the first-ever injunction action brought by MSHA to shut down a mine under Section 108(a)(2) of the Mine Act. He has also argued in multiple federal courts of appeals on behalf of operators and industry in enforcement actions and in challenges to MSHA rulemakings.

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