

25<sup>th</sup> Annual Institute  
May 16-18, 2004

About the speakers . . . .

**Laura E. Beverage**

Laura Beverage is a member of Jackson Kelly PLLC, and leads 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 litigating cases under the Occupational Safety and Health Act, the Federal Mine Safety and Health Act and other state and federal safety and health statutes.

Ms. Beverage serves on a number of state and national industry trade association safety and health committees. She is active in a number of organizations including the American Society of Safety Engineers, National Safety Council, Colorado Safety Association, Colorado Rock Products and Ready Mixed Concrete Association, the National Stone Sand and Gravel Association, and the National Mining Association. Ms. Beverage co-chairs the Colorado Mining Association's safety and health committee. She is a member of the Rocky Mountain Mineral Law Foundation, and serves on the board of trustees of the Energy and Mineral Law Foundation. She is listed in the Who's Who of International Mining Lawyers and was selected for inclusion in the upcoming edition of The Best Lawyers in America.

Ms. Beverage has authored several published materials including, "Occupational Safety and Health Regulation in the United States: Is It Time for a Face Lift?" published in the 1996 Western Australia Minesafe Conference Papers; "OSHA Compliance in Colorado," published in 1994 and 1996 by the National Business Institute; and "Litigation Under the Federal Mine Safety and Health Act Today: A Practical Guide," which was published in 1992 by The American Journal of Trial Advocacy. She 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.

**Richard J. Bolen**

Richard Bolen, a lawyer with substantial achievements in both professional and community affairs, marked his 30th year in practice in 1998. He is a graduate of the University of Virginia School of Law.

At Huddleston Bolen, Mr. Bolen concentrates in law involving litigation – both personal injury and commercial – and natural resources – coal, oil and gas. Mr. Bolen's record of defense verdicts in federal and state jury trials in southern West Virginia and eastern Kentucky is an enviable one. Among his bar and professional activities, Mr. Bolen has served as President of the West Virginia Bar Association and as a Trustee of the Eastern Mineral Law Foundation.

Mr. Bolen has written and lectured on various coal, oil, gas and other topics. A native of Huntington, WV, Mr. Bolen is one of the firm's most dedicated community leaders. He is currently serving on the Executive Committee of the Huntington Area Development Counsel, Inc., was its first chairman, served two terms as chairman of the Huntington Regional Chamber of Commerce and has served on numerous other community boards.

#### **Maureen D. Carman**

Maureen Carman is a member of the Wyatt, Tarrant & Combs firm's Mineral & Energy Practice Group. She concentrates her practice in the areas of surety, construction and mineral and energy law. Ms. Carman was formerly in-house General Counsel for Cumberland Surety Insurance Company, Inc. She served as director of the Board of Directors for the Mediation Center of Kentucky (1992-97) and was managing attorney in the Office of General Counsel for the Kentucky Natural Resources and Environmental Protection Cabinet (1985-90). Ms. Carman served as President of the Kentucky Association of Bonding Institutions (1992-2000). She is a member of the American Bar Association, Tort and Insurance Practice Section – Fidelity and Surety Committee and the Kentucky Bar Association. Recent publications include "Regulatory and Transactional Bonding: A Primer on Surety Bonding for the Mineral Lawyer," *17 E. Min. L. Inst.*, 1996 and "Reclamation Bonds," *The Law of Suretyship*, 2nd Ed., Gallagher, Ed., ABA, 2000. Ms. Carman has participated as a speaker and panelist on the topics of mining reclamation, surety bonding and law office management since 1980. She is a member of the Board of Trustees and Executive Committee of the Energy & Mineral Law Foundation. She received her B.A. degree with honors in 1975 and her J.D. degree in 1979 from the University of Kentucky.

#### **Kevin L. Carr**

Kevin is a member of Spilman, Thomas & Battle in Charleston, West Virginia, and a native of Lewisburg, West Virginia. His practice focuses on labor and employment and wage and hour law, as well as the application of technology to these areas. He regularly practices before the National Labor Relations Board and other state and federal administrative agencies. He has published numerous articles on matters relating to employment and technology. Kevin is a faculty member for Lorman Education Services and a frequent lecturer to human resource professionals and other lawyers. He is chairman of the American Bar Association's Technology Subcommittee of Individual Employee Rights. Kevin holds two degrees from West Virginia University, having earned his B.A. in 1992 and his J.D. in 1995. He is admitted to practice before the West Virginia Supreme Court of Appeals, U.S. Court of Appeals for the Fourth Circuit and U.S. District Courts for the Southern and Northern Districts of West Virginia

#### **Timothy C. Dowd**

Timothy C. Dowd is an attorney with Elias, Books & Brown, P.C., in Oklahoma City, Oklahoma. He graduated from the University of Tulsa College of Law in 1979. Mr. Dowd is a past President of the Oklahoma City Mineral Lawyers Society (1996-1997).

Mr. Dowd is a member of the Legal Committee of the Interstate Oil and Gas Compact Commission and the Advisory Council to the Marginal Well Commission of Oklahoma.

Mr. Dowd has written numerous articles for publication including "Preferential Rights to Purchase in Oil and Gas Transactions," *49 Rocky Mountain Mineral Law Institute* (2003). Mr. Dowd is also the author of the chapter on Oil and Gas Titles in West Publishing Company's *Oklahoma Real Estate Forms and Practice*.

Mr. Dowd has lectured at seminars sponsored by various groups, including the American Association of Petroleum Geologists, American Association of Professional Landmen, Arkansas Bar Association, Colorado School of Mines, Dallas Bar Association, National Association of Division Order Analysts, National Association of Lease and Title Analysts, Oklahoma Bar Association, Rocky Mountain Mineral Law Institute, and the University of Texas School of Law.

Mr. Dowd's primary area of practice is oil and gas law, including the rendering of title opinions, litigation and the drafting and negotiations of industry contracts.

### **James C.T. Hardwick**

James C.T. Hardwick is a shareholder and board member of Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., in Tulsa, Oklahoma. Mr. Hardwick served as an attorney with Sun Oil Company, Mid-Continent Division, from 1964 to 1967. He received a B.S. degree in Petroleum Engineering (with distinction) in 1960, and an LL.B. degree in 1963, both from the University of Oklahoma. Mr. Hardwick was a member of the Board of Editors, *Oklahoma Law Review*, and is currently a Trustee and a past member of the Executive Committee of the Rocky Mountain Mineral Law Foundation. Mr. Hardwick is the Oklahoma reporter for the RMMLF Mineral Law Newsletter, and is also a Vice-Chair of the Executive Committee of the Advisory Board of the Institute for Energy Law of The Center for American and International Law (formerly The Southwestern Legal Foundation). He served as one of the seven members of the AAPL appointed working committee which revised the Model Form Operating Agreement and resulted in the AAPL Model Form Operating Agreement –1989.

Mr. Hardwick has authored numerous papers on oil, gas & energy law matters, including: "The 1982 Model Form Operating Agreement: Changes And Continuing Concerns" presented at a Special Institute on Oil and Gas Agreements sponsored by the Rocky Mountain Mineral Law Foundation (May 1983); co-author of "Gas Royalty Issues Arising From Direct Gas Marketing" presented at the Southwestern Legal Foundation's 43rd Annual Institute (February 1992); co-author of "Royalty Accounting For Disproportionate Gas Sales In Federal Units And Corresponding State Issues (Takes vs. Entitlements)" presented at the Rocky Mountain Mineral Law Foundation's 38th Annual Institute (July 1992); co-author of "Gas Marketing Royalty Issues In The 1990s" presented at the Rocky Mountain Mineral Law Foundation's Special Institute on Oil And Gas Royalties On Non-Federal Lands (April 1993); author of "Indian Units And Indian Communitization Agreements" presented at the Rocky Mountain Mineral Law Foundation's Special Institute on Onshore Pooling and Unitization (January 1997); author of "Response and Comment: Some Musings on Fiduciary Duties and Oil and Gas Relationships" presented at the Special Institute for the 50th Anniversary of the Southwestern Legal Foundation, published in 50th Oil and Gas Inst., ch 4A, Appendix (Matthew Bender 1999); author of "Something Old, Something New – Current Issues Under the Joint Operating Agreement" presented at the Southwestern Legal Foundation's 51st Annual Institute (February 2000); and author of "Private Landowner Royalties on Oil – Theory and Reality" presented at the Rocky Mountain Mineral Law Foundation's Special Institute on Private Oil & Gas Royalties (September 2003).

### **Jill Morgan Harrison**

Jill Morgan Harrison is a shareholder and director of Penn, Stuart and Eskridge in the Bristol, Tennessee office. She has been with the law firm since 1989. Ms. Harrison represents oil and gas and coal industry clients in the areas of litigation, title examinations for oil, gas, coal and coalbed methane development projects; drafts mineral leases and has been involved in various litigation concerning the development rights of a severed mineral estate owner, real estate issues and mineral ownership.

Ms. Harrison has authored several publications and made presentations at numerous seminars on oil and gas law. She is a member of several professional organizations including the American Association of Professional Landmen, Appalachian Association of Professional Landmen and the Virginia Oil and Gas Association, and is active in numerous civic and charitable groups.

Ms. Harrison is a 1985 graduate of the George C. Taylor College of Law, University of Tennessee and also holds a bachelor's degree in finance from the University of Tennessee. She is licensed to practice law in Virginia, West Virginia, North Carolina and Tennessee.

#### **Eric W. Iskra**

Eric is a member of the firm of Spilman, Thomas and Battle in Charleston, West Virginia. He was born in Heidelberg, Germany and raised in Virginia. His primary areas of practice encompass trial work and litigation, including employment, ERISA, and complex litigation matters. He currently serves as the chair of the ERISA and managed care practice group. Eric's reputation in the labor and employment law practice areas led him to be appointed to the editorial advisory board of "The Mental and Physical Disability Law Reporter." He is a frequent lecturer at national seminars on employment law and litigation. He has also authored several articles, including "ADA's Coming of Age: The United States Supreme Court Begins to Clarify the Scope of the Act's Coverage." Within the American Bar Association, Eric is a former fellow of the Section of Labor & Employment Law; a member of the Commission on Mental & Physical Disability Law; and a member of the employee rights and responsibilities committee. He received his B.A. from the College of William and Mary in 1991. He earned his J.D. from Wake Forest University in 1994. Eric is admitted to the West Virginia Supreme Court of Appeals, U.S. Court of Appeals for the Fourth Circuit, and U.S. District Courts for the Southern and Northern Districts of West Virginia.

#### **Brian M. Johnson**

Brian M. Johnson is an attorney with the law firm of Greenebaum Doll & McDonald PLLC, in Lexington, Kentucky, practicing in the litigation section. Mr. Johnson's primary area of focus is toxic tort defense, although his practice also includes products liability defense, commercial litigation and construction law.

Mr. Johnson graduated from Transylvania University in 1994. In 1997, he graduated from the University of Kentucky College of Law, where he was a member of the *Journal of Natural Resources and Environmental Law*. He is admitted to practice in Kentucky, the United States District Courts for the Eastern and Western Districts of Kentucky, and the United States Court of Appeals for the Sixth Circuit.

#### **John K. Keller**

Mr. Keller is a member of Vorys, Sater, Seymour and Pease in Columbus, Ohio, and practices primarily in the area of natural resources, including oil and gas, coal and other minerals. He is involved in oil and gas law, litigation and arbitration, mining and mineral law, leases, title opinions, landowner relations, contracts, purchase and sale of gas or coal, the transportation of gas and mineral financing. Other areas of practice include real estate, railroad real estate issues, general litigation, zoning and secured transactions.

Mr. Keller is a frequent speaker and has authored several articles on oil and gas including "Representing Unsecured Creditors in Oil and Gas Collection Matters," Ohio Legal Center Institute Publication No. 144, 1984, "Drafting the Modern Oil and Gas Lease," 2 *Eastern Mineral Law Institute*, 1981, and "Legal Aspects of Geophysical Exploration," 13 *Eastern Mineral Law*

*Institute*, 1992. He is the co-author of "Basic Revision in the Ohio Oil and Gas Law," 53 Ohio State Bar Association Reports 2011.

Mr. Keller is a member of the Columbus (Member, Real Property Committee, 1976 to 1980; Energy Committee, 1983 to present), Ohio State (Member, Natural Resources Committee, 1978 to present; Chair, 1996-1998) Bar Associations, Energy and Mineral Law Foundation (Trustee and Past Chair, Oil and Gas Committee; Member, Executive Committee, 1998-2001), the Ohio Oil and Gas Association, and Mountain States Legal Foundation (member of the board of litigation). Education: Duke University School of Law, Durham, North Carolina, J.D., 1975; Indiana University, Bloomington, Indiana, 1972 A.B.

Practice Areas: Arbitration, Contracts, Debtor/Creditor, Energy Law, Land Use & Zoning, Lending & Secured Transactions, Litigation & Appeals, Loan Workouts, Logging & Timber, Minerals & Mining, Mortgages & Foreclosures, Natural Resources Law, Oil & Gas, Railroad Real Estate Law, Secured Transactions, State Appellate Practice, State Trial Practice.

### **Kurt L. Krieger**

Kurt Krieger is Assistant General Counsel in the corporate law department of NiSource, Inc. in Charleston, West Virginia. He is responsible for advising and managing the provision of legal support to the NiSource companies pertaining to Federal Energy Regulatory Commission (FERC) gas and electric matters. Kurt received his J.D. from the West Virginia University College of Law in 1988, and his B.S. in Accounting (*magna cum laude*) from Wheeling Jesuit University in 1985. He was an associate at Jackson & Kelly in Charleston, West Virginia from 1988 to 1991. He and his family reside in Charleston.

NiSource, Inc. is a Fortune 500 holding company with headquarters in Merrillville, Indiana, whose core operating companies engage in natural gas transmission, storage and distribution, as well as electric generation, transmission and distribution. The NiSource subsidiaries include four FERC-regulated interstate pipelines, a FERC-regulated electric transmission company (which is a member of an independent transmission company (ITC) in the Midwest ISO), 10 local distribution companies, a marketing company, and an exempt wholesale generator (EWG). NiSource operating companies deliver energy to more than 3.7 million customers located within the high-demand energy corridor stretching from the Gulf Coast through the Midwest to New England.

### **E. Christine Lewis**

Christine Lewis was a former summer associate at Wyatt, Tarrant & Combs, LLP in 2000 and 2001. She received her B.A. degree cum laude in political science from the University of Louisville in 1999 where she received the Trustee Scholarship, Eleanor O'Sullivan Award and was a McConnell Scholar. Ms. Lewis graduated with a J.D. degree in 2002 from the University of Kentucky, and joined the firm of Wyatt, Tarrant & Combs in the Lexington office. While attending law school, she was a Notes Editor on the *Kentucky Law Journal*, a member of the Trial Advocacy Board and Chairperson of the Honor Council. Ms. Lewis received an Energy & Mineral Law Foundation Scholarship, the Jessel Moore Memorial Scholarship and the Burbank & Collins Scholarship. She authored, "HMOs: State Medical Malpractice Liability and ERISA Preemption" published in the Medical Trial Technique Quarterly in the Fall of 2002.

### **Bradley J. Martineau**

Mr. Martineau is an attorney with Lambert & Martineau in Indiana, Pennsylvania. He graduated *cum laude* from Edinboro University of Pennsylvania in 1998 and graduated *magna cum laude* in 2001 from the University of Pittsburgh School of Law. He was the Editor-in-Chief and an

Editorial Board Member of Volume 62 of the *University of Pittsburgh Law Review*. Mr. Martineau is an honorary member of the Pittsburgh Chapter of the Order of the Coif.

During and after law school, Mr. Martineau worked for Reed Smith in Pittsburgh in their Corporate Real Estate Group. After working for Reed Smith, he then served a two-year clerkship for the honorable Judge Joseph F. Weis, Jr. of the United States Court of Appeals for the Third Circuit.

Mr. Martineau is a member of the Indiana County Bar Association, the Pennsylvania Bar Association and the American Bar Association. He is admitted to practice law in all courts of the state of Pennsylvania, and is further admitted to practice before the United States District Court for the Western District of Pennsylvania and the United States Court of Appeals for the Third Circuit.

Mr. Martineau's primary practice areas are commercial and residential real estate law, commercial finance law, corporate law and business planning, oil and gas, coal and mineral law, state and federal litigation, divorce and family law, and estate planning and administration.

### **Pamela A. McCallum**

Pamela A. McCallum is a shareholder with the law firm of Buchanan Ingersoll. She is vice-chair of the firm's Litigation Section, chair of the Corporate Control Group and serves on the firm's board of directors.

Ms. McCallum primarily tries cases involving trade secrets, covenants not to compete, employees fiduciary duties to employers, and unfair competition in the marketplace, including copyright infringement, unfair trade practices and trademark infringement. Ms. McCallum also advises clients in the protection of their intellectual property in the workplace through employment agreements (including covenants not to compete and confidentiality provisions) and various security measures and procedures. She also handles general commercial litigation involving professional negligence, breach of contract actions and corporate litigation involving shareholder disputes.

Ms. McCallum's clients include software and high technology companies, major financial institutions, insurance agencies, emerging companies, engineering and consulting firms, manufacturing companies and companies in the communications industry. She also represents individual clients.

Prior to joining Buchanan Ingersoll in 1990, Ms. McCallum was associated with a large Pittsburgh law firm where she practiced in litigation and focused on cases involving misappropriation of proprietary information and technology as well as asbestos and other personal injury litigation, estate litigation, products liability cases and general commercial litigation.

Ms. McCallum obtained her law degree from Georgetown University, where she was a Law Fellow. She holds a bachelor of arts degree, *magna cum laude*, in international relations from Miami University of Ohio, where she was named to Phi Beta Kappa.

Active in the professional and charitable communities, Ms. McCallum serves on the Council of the Civil Litigation Section of the Allegheny County Bar Association and is a member of the Intellectual Property Section of the Pennsylvania Bar Association and the Litigation and Labor

Sections of the American Bar Association. She also is on the board of directors of the Allegheny County Chapter of the Multiple Sclerosis Society.

### **Kirsten L. Nathanson**

Kirsten L. Nathanson is a Specialized Associate in the Natural Resources and Environmental practice group at Crowell & Moring LLP in Washington, D.C. Ms. Nathanson joined the firm in 1998 following graduation from The George Washington University Law School, where she achieved high honors. Her practice primarily involves federal court litigation and federal administrative practice in a variety of areas, including the Clean Water Act, the National Environmental Policy Act, the Surface Mining Control and Reclamation Act ("SMCRA"), CERCLA (including natural resource damages, contribution, and cost recovery), the Mining Law of 1872, and the Federal Land Policy and Management Act.

Some of Ms. Nathanson's notable cases representing the mining industry include: *Citizens Coal Council v. Gale Norton and National Mining Association*, 330 F.3d 478 (D.C. Cir. 2003), cert. denied 72 USLW 3408 (Feb. 23, 2004) (involving citizen plaintiff challenges to the Interior Department's regulation of subsidence in section 522(e) areas under SMCRA); *Barrick Goldstrike Mines Inc. v. Whitman*, 260 F. Supp. 2d 28 (D.D.C. 2003) and *Barrick Goldstrike Mines Inc. v. Browner*, 215 F.3d 45 (D.C. Cir. 2000) (involving a mining company's challenge to EPA's application of the Toxic Release Inventory program to the hard rock mining industry).

Ms. Nathanson also serves as a Vice-Chair of the Mining Committee within the ABA's Section of Environment, Energy, and Resources, and as a Trustee At Large of the Energy & Mineral Law Foundation.

### **Christopher B. Power**

Christopher B. Power is a partner in the Charleston, West Virginia office of the law firm of Dinsmore & Shohl LLP. Mr. Power is a member of the firm's Litigation Department, Environmental Practice Group, and Natural Resources Practice Group. His work encompasses civil and administrative litigation related to the energy industry, with a particular emphasis on coal mining and related operations; general industry compliance counseling and representation in agency negotiations and enforcement actions under all of the major federal environmental statutes and their state counterparts; defense of civil actions (including class actions) seeking damages from those engaged in natural resources extraction; mine safety and health matters; and zoning and land use law. Mr. Power is listed in the 2003-2004 edition of the Best Lawyers in America.

Mr. Power graduated from Washington & Lee University (B.A. Economics, 1983), *cum laude*; received an M.B.A. from the West Virginia University College of Business and Economics (1985); and is a graduate of the West Virginia University College of Law (J.D., 1986). He is admitted to practice in state courts in both West Virginia and Kentucky; before the U.S. District Courts for the Northern and Southern Districts of West Virginia and the Eastern District of Kentucky; before the U.S. Courts of Appeal for the Fourth and District of Columbia Circuits; and before the United States Supreme Court. Mr. Power is a member of the Kanawha County, West Virginia, Kentucky, and American (Sections: Natural Resources, Energy & Environment; Litigation) Bar Associations, the West Virginia Defense Trial Counsel; Christian Legal Society; and the Energy and Mineral Law Foundation (Board of Trustees, 1992-).

Among his published works are the following: "Unsuitability Designations and Anticipated Post-Mining Environmental Problems," 13 *Eastern Min. L. Inst.* 5 (1992); "The National Historic Preservation Act and Federally Delegated State Permitting Programs: A SMCRA-Based

Primer," *Journal of Environmental Permitting* (Autumn, 1994); "OSM's Applicant Violator System: Recent Developments, Continuing Uncertainty," 17 *Eastern Min. L. Inst.* 11 (1996); "Earth to Earth, Ashes to Ashes: Coal Combustion Byproducts Returned to the Mine Site," *Natural Resources and Environment* (ABA Section of Natural Resources, Energy, and Environmental Law) (Winter, 1997).

### **David G. Ries**

David G. Ries is a partner in the Pittsburgh, Pennsylvania, office of Thorp Reed & Armstrong, LLP, where he practices in the areas of environmental, technology and commercial litigation. He is a member of the Executive Committee of the Energy and Mineral Law Foundation and recently completed two years as a member and chair of a hearing committee for the Disciplinary Board of the Supreme Court of Pennsylvania. Mr. Ries 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 30 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, defense of penalty actions, defense of citizens' suits, environmental crimes defense, wet weather water quality issues, hazardous sites remediation issues and litigation under the National Environmental Policy Act.

Mr. Ries has frequently spoken and written on environmental, litigation, and technology subjects, including EMLF programs. He has given several presentations on "Attorneys and Electronic Communications: Ethical Considerations and Beyond," including one at EMLF's February, 2002 Winter Workshops. In July, 2001, he spoke at a multi-state CLE course, *E-Mail Breakdowns & Misuse of Personal Information Online – Distractions or Causes of Action?*, which was satellite broadcast from Dallas, Texas. He has presented several recent lectures on records management and reporting client misconduct, including a panel session at the EMLF 24<sup>th</sup> Annual Institute. He has also addressed technology law issues at programs for Carnegie Mellon University.

He spoke on "Expert Opinions in Environmental Cases After *Daubert* and the New Federal Rule 702" for the University of Wisconsin-Madison College of Engineering's course, *Environmental Litigation: Advanced Forensics and Litigation Strategies* in April, 2001 and spoke on the same topic at the 2001 Kentucky Mineral Law Conference and at the 19<sup>th</sup> Annual International Conference on Soils, Sediments and Waters at the University of Massachusetts-Amherst in October, 2003. These sessions were based on a recent CERCLA case in which he successfully argued a *Daubert* motion for a group of 12 defendants.

### **John A. Rollins**

Mr. Rollins is a member of the commercial law firm of Lewis, Glasser, Casey & Rollins, PLLC of Charleston, West Virginia. His practice is concentrated in commercial disputes and bankruptcy representation. Mr. Rollins has primarily represented coal industry clients and this representation has included all aspects of commercial transactions involving troubled businesses. He has acted to reorganize, sell and liquidate coal producers in bankruptcy and workout proceedings as well as represent parties who are acquiring such companies or their assets. In addition, he has acted in bankruptcy cases to protect lease, supply contract and lien interests for lenders, producers, lessors, vendors and creditor groups in coal industry cases.

The cases in which Mr. Rollins have been involved have resulted in a number of reported opinions on bankruptcy and coal industry issues in the bankruptcy and district courts in various jurisdictions as well as the Fourth Circuit Court of Appeals. Many of these cases have involved Chapter 11 debtors and the sale of assets or claims in the context of their obligations under collective bargaining agreements or the Coal Industry Retiree Health Benefits Act. He is admitted to practice in the United States Supreme Court, Fourth Circuit Court of Appeals, United States Tax Court, and in all federal and state courts in West Virginia. In addition, he has practiced in specific cases in the bankruptcy courts in West Virginia, Kentucky, Ohio, Tennessee, Texas and Delaware.

Mr. Rollins has been recognized for ten years in *White/Woodard, The Best Lawyers in America* in the field of bankruptcy representation. He is a periodic lecturer on complex bankruptcy issues for state bar and EMLF educational programs.

Mr. Rollins graduated from the West Virginia University School of Law in 1978. Academic honors include his service as associate editor of the law review and an undergraduate admission to Phi Beta Kappa.

### **Michael J. Schessler**

Michael J. Schessler is a partner in the Charleston office and a member of the Litigation Practice Group of Bowles Rice McDavid Graff & Love. He has significant experience in legal and engineering professional malpractice defense, liquor liability and stable and recreational liability defense, as well as commercial and contract litigation.

Active in several professional organizations, Mike is a member of the Defense Research Institute, American Bar Association – Litigation Section, the West Virginia Association of Defense Trial Lawyers, the West Virginia State Bar, the Kanawha County Bar Association, and Leadership: West Virginia. He is admitted to practice in West Virginia and Pennsylvania. Mike earned his Bachelor of Arts degree in Political Science & Economics from Indiana University of Pennsylvania and received his law degree in 1990 from the University of Pittsburgh School of Law, where he was a member of the Order of Barristers.

### **Robert M. Stonestreet**

Robert M. Stonestreet is an associate with the law firm of Dinsmore & Shohl LLP and practices in the Charleston, West Virginia office. Mr. Stonestreet is a member of the firm's Litigation Department and Environmental Practice Group and has experience in general civil litigation, environmental law and corporate law.

Mr. Stonestreet graduated from Marshall University *summa cum laude* in 2000 with a B.A. in History. He received his law degree from West Virginia University College of Law in 2003 where he graduated Order of the Coif and served as Executive Manuscript Editor of *West Virginia Law Review*. He is admitted to practice law in West Virginia and before the Northern and Southern Districts of West Virginia. Mr. Stonestreet is a member of the West Virginia and American Bar Association.

Mr. Stonestreet's publications include: "Replace a Solid Wall With a Chain Link Fence: Special Relationship Analysis for Tort Recovery of Purely Economic Loss," 105 *W. Va. L. Rev.* 213 (2002), which is reprinted in "Legal Handbook for Architects, Engineers and Contractors: Issues in Construction and Technology 2002/2003, Vol. 19 (Albert H. Dib, ed., West 2003).

**Joseph S. Suich**

Mr. Suich serves LeBoeuf, Lamb's Environmental, Health and Safety Group as a senior environmental associate, specializing in air pollution law. Mr. Suich's strong technical and legal experience benefits industrial and energy clients on a variety of levels in solving complicated air pollution-related issues, such as NSPS, NESHAP, MACT, PSD and NA NSR, ERC, netting and cap-out procedures and reviews, Title V and synthetic minor permitting and modifications, Title IV acid rain matters and trading, US EPA AP-42 calculations, pollution control projects, enforcement/violations proceedings, asbestos criminal violations, CARB RECLAIM trading, preparation of applicability determination requests and air pollution compliance programs.

Prior to joining LeBoeuf, Lamb, Mr. Suich was an environmental attorney with Devorsetz, Stinziano, Gilberti, Heintz & Smith, P.C., where he handled air pollution matters for large industrial clients. Mr. Suich attended Vermont Law School's Environmental Law Program where he studied air pollution law and interned at the U.S. Department of Justice, Vermont Agency of Natural Resources Air Pollution Control Division and General Electric Corp.'s Corporate Environmental Programs. Mr. Suich also worked as an adjunct professor of Environmental Policy at the Community College of Vermont and lectures frequently at Manchester Community College, Vermont Law School and the US Coast Guard Academy on Clean Air Act issues. Prior to attending university, Mr. Suich served with the 1/75th Airborne Rangers (1st Special Operations) and has an elementary working knowledge of Russian, German and French.

Mr. Suich received a B.A. from the University of Connecticut in 1991; M.A. from the University of Connecticut in 1993; and a J.D. from Vermont Law School in 1997. He is admitted to practice in New York and Vermont, and is a Member of the New York State Bar Association's Committee on Air Quality.

**Charles M. Surber, Jr. (Ken)**

Mr. Surber is a Member of Jackson Kelly PLLC and the Administrative Manager of the Labor and Employment Practice Group. He earned his bachelor's degree from West Virginia University in 1971 and his law degree in 1978 from the University of Dayton, where he served as Comments Editor of the *University of Dayton Law Review*.

Mr. Surber is admitted to practice law in the State of West Virginia and before the United States District Courts in West Virginia and the Eastern District of Kentucky, the United States Supreme Court, and the Third, Fourth and District of Columbia Circuit Courts of Appeal. Mr. Surber is listed in *The Best Lawyers In America* and *Who's Who In America*, and is a frequent lecturer at numerous labor and employment related seminars and programs throughout West Virginia. He has served as a mediator for the West Virginia Human Rights Commission and has served on the Board of Directors for the Make-A-Wish Foundation of West Virginia.

**Penny R. Warren**

Penny Warren is a Partner in the Lexington, Kentucky, office of Wyatt, Tarrant & Combs, LLP. She is a member of the Firm's Mineral & Energy, Appellate, and Commercial Litigation practice groups. She practiced with the Kentucky Attorney General's office from 1980 to 1988, and successfully argued two cases before the United States Supreme Court. She joined Wyatt in 1988 and has been involved in trial and appellate cases in state and federal courts for numerous mineral and energy clients. Her experience includes such subjects as force majeure, lost coal, royalties, market price reopeners, escalation clauses, breach of contract, longwall, subsidence, broadform deed, drilling rights, boundary disputes, lease termination, transportation contracts and workers' compensation immunity. Mrs. Warren received her B.S.B.A. degree

from Murray State University in 1968, her M.B.A. from the University of Arkansas in 1972, and her J.D. degree from the University of Kentucky in 1979.

### **Michael H. Winek**

Michael H. Winek is a shareholder and vice chairman of the Environmental Health and Safety Services Group of Babst, Calland, Clements and Zomnir, P.C. in Pittsburgh. Mr. Winek focuses his practice on regulatory issues arising under Clean Air Act.

Mr. Winek devotes a substantial amount of time to air permitting issues, assisting clients in permitting new sources, as well as negotiating Title V operating permits. He has extensive experience in negotiating Title V permits for various types of industrial facilities in numerous states. Mr. Winek also counsels clients with respect to regulatory compliance issues and represents industrial facilities in air enforcement cases.

Mr. Winek has considerable experience with clientele in the iron and steel manufacturing industry, portland cement industry, and chemical manufacturing industry. Prior to joining the Firm, Mr. Winek was a clinical toxicologist in a private laboratory in Pittsburgh.

Mr. Winek earned his B.S. *cum laude* in Chemical Engineering from Tufts University 1986, his M.S. in Forensic Chemistry from Duquesne University in 1990, and his J.D. *magna cum laude* from Duquesne University School of Law in 1993. Mr. Winek graduated first in his class.

Mr. Winek is a member of the American, Pennsylvania and Allegheny County Bar Associations. The following are a list of publications: Winek, Michael H. and Shannon, Maureen A. "MACT Hammer Will Strike Industry," *Environmental Law Supplement to The Legal Intelligence and Pennsylvania Law Weekly*, Vol. XXV, No. 14, April 8, 2002; Winek, Michael H. and Gambino, Monica. "Preventing Catastrophic Releases of Hazardous Chemicals: PSM and RMPs," published in *Pennsylvania Law Weekly*, Vol. XX No. 20, 1997; Winek, Michael H. and Bluedorn, Donald C. "Releases from Solid Waste Management Units: A New Approach to Corrective Action Under RCRA," *Journal of Environmental Law & Practice*, January/February 1997.

### **Jeff A. Woods**

Jeff Woods is Co-Chair of the Wyatt, Tarrant & Combs firm's Mineral & Energy Practice Group and a member of the Commercial Litigation and Environmental Practice Groups. He concentrates his practice in complex litigation matters and has extensive experience litigating coal supply agreements, coal industry construction contracts, and mineral property disputes. He served as the Judicial Law Clerk for the Fayette County Circuit Court (1975-76), and Chief Staff Attorney for the Kentucky Court of Appeals (1976-79). Mr. Woods is the author of "The Continuing Viability of Subjacent Support and Subsidence Damage Waivers: Fact or Myth?" *14 Eastern Mineral Law Institute*, Ch. 10 (1993) and is a contributing author of the "Kentucky Appellate Handbook." He has presented numerous topics on mineral law at conferences and seminars sponsored by the Energy and Mineral Law Foundation. He is admitted to practice before the United States District Court for the Eastern District of Kentucky, the United States Court of Appeals for the Sixth Circuit and the United States Supreme Court. He is a Trustee of the Energy and Mineral Law Foundation, a member of the Association of Trial Lawyers of America, Lexington Coal Exchange, and serves as Chairman of the Board of Directors of the Lexington-Fayette Urban County ("Blue Grass") Airport. He is also a member of the Louisville, Fayette County, Kentucky and American Bar Associations. Mr. Woods received his B.S. degree in 1971 from Michigan State University and his J.D. degree in 1975 from the University of Kentucky.