

Winter Workshops  
On Energy Law  
January 27-29, 2005

## About the speakers . . .

### **Dan Becher**

Dan Becher is a Principal and Managing Member of DB Consulting, LLC. Dan spent 33 years at LG&E Energy in various positions in the engineering, operations and management of the LG&E electric system. Those included Director level positions in electric distribution, a 1600 MW generating station, and electric transmission. His last position with LG&E Energy was as Director of Transmission in which he was responsible for the engineering, operations, construction and maintenance of the combined Louisville Gas & Electric and Kentucky Utilities systems.

Dan managed the reorganization of electric transmission under FERC Order 889 and helped develop the Open Access Tariff under FERC Order 888, including participating in FERC hearings and settlement conferences. He has testified at FERC and the Kentucky Public Service Commission. In the last five years, Dan managed the reorganization of electric transmission through two mergers, one of which was an international merger.

In his position as head of electric distribution and as a generating station general manager, Dan managed through several major company reorganizations that involved a greater use of contractors resulting in significant reductions in permanent staff while improving system performance. During his tenure at the generating station, he worked closely with station neighbors in dealing with plant emissions and managed through extensive station construction projects to improve the emission control systems.

Dan was extensively involved in the development of the Midwest ISO since the beginning of its development in 1996, serving on the Operations Working Group and the Management Council for LG&E. He was involved with both ECAR and NERC committees, including serving as Chairman of the ECAR Operating Panel and representing ECAR on the NERC Operating Committee and the NERC ATC Working Group. Dan has participated extensively in the stakeholder process for the development of the Midwest ISO Market scheduled for startup in March 2005, representing five G&T Cooperatives.

He holds a B.S. Degree in Electrical Engineering from Purdue University and a Masters Degree in Engineering Management from the University of Louisville.

### **Theodore R. Breton**

Dr. Breton is a Director at Pace Global Energy Services responsible for the fuel and power market forecasting practice. He supervises the preparation of the Pace Global Oil, Natural Gas, Coal and Petcoke, and Power Outlooks, which are provided to clients quarterly on a subscription basis. He has been in the energy and environmental field for 33 years and in the energy

consulting business for 20 years. His consulting experience has been focused on the analysis of energy market structure and price behavior in the U.S. and overseas. He has testified as an expert witness. Dr. Breton holds a Ph.D. in Economics from George Mason University, an M.S. in Economics from the London School of Economics, and a B.S. in Chemical Engineering from Lehigh University. He is fluent in Spanish.

### **Marc Chupka**

Marc Chupka is senior consultant at The Brattle Group, where he has two decades of public and private sector experience analyzing the market impacts of both domestic and international energy and environmental policy. He assists energy market clients in a broad span of management decisions, regulatory proceedings and litigation support. Mr. Chupka's recent work has focused on the litigation in Clean Air Act matters, electricity and fuel procurement policies, renewable energy policy design, and climate change policies.

Before joining The Brattle Group, Mr. Chupka was a Principal in the economic consulting firm of PHB/Hagler Bailly (formerly Putnam, Hayes & Bartlett, Inc.). Mr. Chupka also served as the acting Assistant Secretary of Energy for Policy and International Affairs at the U.S. Department of Energy. In that capacity, he was the primary policy advisor to the Secretary of Energy in matters such as electricity market restructuring, global climate change, energy security, strategic planning, international energy markets, and energy-related domestic and global environmental issues. Mr. Chupka directed a staff of 120 with a budget of \$20 million. He was the primary Departmental representative in interagency consultations and the senior U.S. government delegate in international and multilateral fora. He has testified several times before U.S. Congressional Committees, and has authored several key policy documents, including the President's 1993 Climate Change Action Plan and the Department of Energy's Sustainable Energy Strategy in 1995.

Mr. Chupka also served as the Director of Energy Policy Development at the DOE Office of Policy and International Affairs, and was the Chief Economist and Associate Director of Air, Energy and Transportation at the White House Office of Environmental Policy in 1993-1994. Prior to his Administration Service, he was a Staff Economist at the Joint Economic Committee of the U.S. Congress. From 1989 through 1991, he was a Senior Associate and Project Director at ICF Incorporated, and between 1984 and 1989 he was an Analyst in the Natural Resources and Commerce Division of the Congressional Budget Office. Mr. Chupka earned a B.A. in Economics from Yale College, and an MS and M. Phil. in Economics from Yale University.

### **J. Joel Chalfin**

Joel Chalfin is presently Manager of GT/CC Environmental Compliance for GE Power Systems and is responsible for monitoring and communicating National and Regional Environmental trends. His prior position from 1993 to 2000 was Manager of Environmental Engineering for Power Generation's Global Power Plant Systems Department (GPPSD), Schenectady, New York. GPPSD Environmental Engineering provides broad based environmental services to support GE's power plant proposal and project activities, including regulatory assessments, environmental permits and emission compliance tests.

Joel has over twenty-five years' experience in the environmental engineering field, and extensive experience in air emissions testing, pollution control equipment, U.S. EPA regulations and procedures. He joined GE Environmental Services (manufacturer of air pollution control equipment) in 1981 as Manager of Advanced Development Engineering reporting to the Vice President of Engineering.

Joel has co-authored three papers related to toxic emissions and the use of SCR with GE's dry low NOx combustion system. Joel received his BSME from Drexel University, in Philadelphia, PA, his MS – EH from the University of Minnesota and his Post Masters in Environmental Engineering from Drexel University.

### **Ron Crouch**

Ron Crouch is Director of the Kentucky State Data Center located at the University of Louisville. The Kentucky State Data Center is the official clearinghouse for Census data for the state of Kentucky. KSDC provides data on population, housing, education, employment, and other social indicators. Historical data, current data, and projections are provided to help understand trends and issues facing individual states and the country as a whole.

Each state, as well as the entire United States, is undergoing major demographic and economic revolutions. Our population is aging. Our economy is moving from a manufacturing to a knowledge economy. We are growing more diverse. There are major differences across regions.

Ron's background is in analyzing data and developing information in ways that enhance understanding and utilization. Ron's vocation is that of "knowledge dissemination". He averages around 150 presentations per year around Kentucky and across the United States.

He is a graduate of the University of Louisville with a major in Sociology, and minors in Political Science and Economics. He holds an M.A. degree in Sociology, and an M.S.S.W. in Social Work from the University of Louisville, and a Master in Business Administration from Bellarmine University. He did doctoral work in Sociology at the University of Kentucky.

### **Anna M. Dailey**

Anna Dailey is a partner with Dinsmore & Shohl, in their Charleston office. Her practice involves all facets of labor law issues, including defeating union organizing campaigns, representation hearings, contract negotiations, unfair labor practices, strikes and strike related violence, successorship questions, and arbitrations. Her practice also includes advising and defending corporations on employment issues, including discrimination charges, wrongful discharge litigation and advice on handling employment decisions and representing clients in state and federal jury trials. Ms. Dailey has obtained two multi-million dollar jury verdicts against the UMWA for violent strike conduct. Ms. Dailey is a frequent speaker on labor and employment issues, including a Labor Law Seminar sponsored by NLRB Region 9 and has spoken before both the EMLF and the Coal Lawyer's group of the National Coal Association.

Ms. Dailey is admitted to practice before the U.S. Supreme Court, the Fourth and Sixth Circuits and the West Virginia and D.C. bars. She is a 1975 graduate of Vanderbilt University and received her J.D. from West Virginia University in 1979. Before beginning her labor and

employment practice in 1984, she worked with the U.S. Department of Interior, representing the Office of Surface Mining, in regulating surface coal mining. Active in local civic groups, Ms. Dailey is a graduate of the Leadership West Virginia program and is serving a six-year term as a Parks Commissioner with the Kanawha County Parks and Recreation Board.

### **Patrick R. Esposito, II**

Patrick R. Esposito is the Chief Operating Officer of Augusta Systems in Morgantown, WV. Esposito brings skills in management, business development, strategic planning, regulatory affairs, and government relations to the Augusta Systems team. As the Chief Operating Officer, Esposito manages the energy/environmental and defense/aerospace solutions groups, leads environmental management software conceptualization activities, conducts investor relations activities, provides legal counsel, and assists in developing corporate strategy.

Before joining Augusta Systems, Esposito served as Deputy General Counsel to West Virginia Governor Bob Wise. In this capacity, he focused on venture capital, economic development, taxation, and workforce development issues. Through this work, he developed a strong command of issues affecting dynamic technology businesses. Esposito has also worked as an associate attorney in the business and taxation law practice group with a regional law firm and as a business development consultant with an international consultancy.

Esposito graduated from the Georgetown University Law Center with a Juris Doctor degree. Prior to attending Georgetown, he earned a Master of XXXXX Studies degree in Modern History at the University of Oxford, England. In addition, Esposito graduated Cum Laude from West Virginia University with two Bachelor of Arts degrees, the first in Economics and Political Science, and the second in History and International Studies.

### **Jerry M. Eyster**

Jerry Eyster is a managing consultant with PA Consulting's Global Energy Practice in Washington, D.C. He has 30 years of experience analyzing coal, electric power, and environmental issues. He has performed studies of the impacts of clean air regulations on coal and electric power markets and produced market assessments and price forecasts for coal and environmental allowances. Jerry has led PA's efforts to develop a multi-pollutant optimization model to assess the impacts of new government emission reduction policies. Prior to joining PA, Jerry was vice president of Corporate Development with A. T. Massey Coal Company. He had responsibility for external affairs and human resources and served as the company's chief labor negotiator. Jerry previously worked in business development for Shell Coal International in London, England where he analyzed business plans and the performance of Shell's coal companies worldwide. Jerry also worked for the Energy Information Administration of the U.S. Department of Energy where he served as director of Electric Power and Energy Data Validation. Jerry holds a B.A. degree in Political Science and Economics from Yale University (magna cum laude) and an M.B.A. from the Stanford Graduate School of Business.

### **Jack N. Gerard**

Jack N. Gerard was elected president and chief executive officer of the National Mining Association (NMA) in December 2000, following a successful career in private business and on Capitol Hill.

Since joining NMA, Gerard has focused the organization's human and financial resources on the key priorities of its membership. Consistent with that objective, Gerard has accomplished a major reorganization of NMA's committee structure and staff—streamlining operations, developing core competencies, modernizing the association's communications capabilities and building a grassroots organization.

Prior to joining NMA, Gerard was a founding partner and chairman and chief executive officer of McClure, Gerard & Neuenschwander, Inc., a Washington, D.C.-based government relations consulting firm, where Gerard and his partner, former U.S. Senator James McClure focused on a variety of issues including mining and energy. Prior to this, Gerard spent close to a decade working in the U.S. Senate and U.S. House of Representatives.

He serves on a number of boards including the National Capital Area Council – Boy Scouts of America Executive Board; the George Washington University Graduate School of Political Management's Council on American Politics; the Mineral Information Institute, and Chairs the National Energy Foundation's Board of Directors.

A graduate of George Washington University, Washington, D.C., where he received a Bachelor of Arts in Political Science and a Juris Doctorate degree, Gerard and his wife, Claudette, reside in Virginia with their six children.

#### **James N. “Jamie” Heller**

Jamie Heller is President of Hellerworx, Inc. which he founded two years ago, and now works happily from his home where he intends to stay. For more than 30 long years Jamie has been a consultant in energy, environmental and transportation matters. He was formerly a Senior Partner with PA Consulting, a UK-based management consulting firm, but had trouble working for others so he left. Prior to that, he was the founder and President of Fieldston Company, Inc., a Washington, D.C.-based economic consulting firm, Fieldston Publications, publisher of business-to-business newsletters, and co-founder of Fieldston Transportation Services, a railcar management services firm. In 1998 when in a fit of irrational exuberance consulting firms went public, he sold all of the businesses.

His areas of focus are strategic planning, market analysis and contracting matters in the energy, transportation and environmental fields with specialties in coal and transportation. He has testified as an expert in numerous matters regarding coal markets, transportation markets, and environmental concerns in the U.S. and abroad. Mr. Heller is the author of two highly unprofitable books on coal and coal transportation. He has an M.B.A. from Harvard Business School and an electrical engineering degree from Northwestern University.

#### **George C. Hopkins**

George “Casey” Hopkins is with the law office of Vinson & Elkins in Washington, D.C., where he advises and represents clients in a wide variety of matters relating to environmental laws. He has defended civil and criminal enforcement actions at the federal and state levels. In transactional contracts, he has structured allocations of liability in mergers and acquisitions, asset sales and project financings within the United States and internationally, and has advised clients

on environmental issues in connection with securities offerings and private placements. Casey has also represented various companies in obtaining environmental approvals required for energy infrastructure projects.

Casey is a member of the trial team defending the Clean Water Act penalty action and oil spill cost recovery claim; in pre-trial settlement, the United States dropped all claims for penalties and costs in exchange for the client agreeing not to pursue its right to recover based on act-of-God defense.

Other client representation:

- Persuaded U.S. EPA to drop threatened enforcement action against client by demonstrating inconsistency of new interpretation with other agency statements;
- Defended EPA civil administrative enforcement action on behalf of a Fortune 100 client that was resolved by payment of less than 15 percent of the penalties that were initially sought;
- Defended state Clean Water Act enforcement action on behalf of specialty chemical manufacturer in New Jersey that was resolved by payment of penalties for less than 10 percent of the amount originally assessed;
- Member of trial team that resolved multi-year criminal investigation of alleged illegal disposal of hazardous wastes and illegal discharges into navigable waters without any jail time for client;
- Structured and implemented a multi-facility audit of environmental compliance for a Fortune 50 client, leading to the voluntary disclosure of violations without any enforcement action being initiated by federal, state or citizen groups.

His publications include “*United States v. Bestfoods*: The U.S. Supreme Court Sets New Limits on the Direct Liability of Parent Corporations for Polluting Acts of Subsidiaries,” *ELR News & Analysis*, Vol. XXIX.

Casey graduated from Tufts University, with a B.A. *cum laude*, in 1981, and received his J.D. from Boston College Law School in 1985. He is admitted to practice in New Jersey, Pennsylvania, and the District of Columbia.

### **David J. Laurent**

David Laurent is an attorney with Babst, Calland, Clements and Zomnir, P.C. in Pittsburgh, PA, where his practice concentrates on a wide range of labor, employment, and employee benefits matters for employers in several states, many of which are involved with the coal industry. His work includes traditional labor law and NLRB matters such as collective bargaining, union organizing campaigns, decertification elections, strikes, corporate campaigns, secondary boycotts, replacement workers, plant closures, grievance and arbitration proceedings, double-breasting, and jurisdictional disputes. His work also involves counseling employers regarding the labor aspects of acquisitions, divestitures, and subcontracting.

Mr. Laurent also helps employers avoid and, if necessary, defend wrongful discharge and restrictive covenant claims, as well as employment discrimination claims arising under the Americans with Disabilities Act, Title VII of the Civil Rights Act of 1964, and the Age Discrimination in Employment Act. This work includes addressing the unique disability

accommodation and light duty issues that arise in the restrictive environment of a unionized work place.

Mr. Laurent additionally analyzes and litigates employee benefits matters including pension and health benefit eligibility disputes, delinquent contribution claims, COBRA rights, severance claims, pension shutdown enhancements, pension plan withdrawal liability, and control group determinations. This part of his practice also encompasses substantial involvement with matters arising under the Coal Industry Retiree Health Benefits Act of 1992 and the UMWA Health and Retirement Funds.

Mr. Laurent obtained his B.A. from Indiana University of Pennsylvania in 1977, and his J.D. from Duquesne University in 1980.

Mr. Laurent is the President-elect of the Energy & Mineral Law Foundation. He is admitted to practice in Pennsylvania and the District of Columbia, as well as the Supreme Court of the United States and the Courts of Appeals for the Third, Fourth, Sixth, Eleventh, and District of Columbia Circuits.

### **Mark Morey**

Mark Morey, CERA Director, North American Power, has over 25 years of energy industry experience. Mr. Morey specializes in the analysis of coal markets in North America and overseas, with a focus on price and demand forecasts, contract negotiation, asset valuation, and environmental compliance review. He also has expertise in coal, transportation, and electric power industry issues. Prior to joining CERA, he was managing director of the coal practice for Platts Research & Consulting/RDI. Previously, Mr. Morey held executive posts at CONSOL Energy and AMVEST Coal Sales, Inc., major coal producers, where he was engaged in marketing activities related to coal and in the evaluation of mining properties for purchase and sale. Mr. Morey has authored numerous articles on coal-related matters and spoken at many conferences on the production, transportation, and use of coal.

Mr. Morey holds a B.A. from the College of Wooster (Ohio) and an M.S. from Pennsylvania State University.

### **Roy M. Palk**

Roy Palk assumed the duties of president and chief executive officer of East Kentucky Power Cooperative on April 1, 1994. Prior to joining EKPC, Palk served as assistant general manager of the National Rural Electric Cooperative Association (NRECA) in Washington, D.C. He joined NRECA as its director of operations and became NRECA's assistant general manager in 1991. An attorney, he also served as NRECA's corporate counsel. Mr. Palk has represented the electric cooperative program throughout the United States, including serving as the interim president and CEO for the Colorado-Ute Generation and Transmission Cooperative located in Montrose, Colorado during the cooperative's workout from Chapter 11 bankruptcy. International assignments include Europe, Asia, Central America, and South America. Some of these assignments were for projects funded by various international development agencies, including the World Bank. Prior to joining NRECA, Mr. Palk spent seventeen years with two distribution systems supplied by the Tennessee Valley Authority. He was the director of member services

for Tri-County EMC in Lafayette, and the general manager of Upper Cumberland EMC. While in the TVA system, he served in various positions with the Tennessee Valley Public Power Association, trade association for TVA distribution, including chairman of its Rates and Contracts Committee and also as its board chairman.

Mr. Palk received his B.S. from Tennessee Technological University and his J.D. from the Nashville School of Law, where he was elected president of the school's honor council. Additionally, he has studied the fundamentals of mechanical and electrical engineering from the TVA and has taken accounting and labor relations courses at the Owen School of Management at Vanderbilt University. Mr. Palk is currently serving on the board of directors of the Electric Power Research Institute in Palo Alto, California; the Center for Energy and Economic Development in Washington, D.C.; the Kentucky Coal Marketing and Export Council; the University of Kentucky College of Mining Engineering; and Bluegrass Tomorrow. Mr. Palk is also a member of the NRECA Power and Water Resources Committee.

### **Larry J. Rector**

Larry J. Rector is an attorney with Steptoe & Johnson, where he focuses his practice in the area of labor and employment law. In addition to counseling clients, Mr. Rector has an active trial and appellate practice. He is licensed to practice in West Virginia, the District of Columbia, Kansas, Missouri, Pennsylvania, and Texas state courts and numerous federal district and appellate courts including the United States Supreme Court.

Mr. Rector has defended employment discrimination claims of race, gender, age, handicap, religion, and national origin in the state and federal courts in West Virginia as well as the West Virginia Human Rights Commission. In addition, he has investigated and defended numerous workplace harassment claims including sexual harassment claims. Mr. Rector has defended claims for breach of contract, retaliatory discharge, defamation, invasion of privacy, tort of outrage, and the various other employment related torts.

Mr. Rector has also represented clients in wage and hour audits and has tried claims to a jury involving employee classification, minimum wage and overtime pay issues.

Mr. Rector has defended numerous personal injury and wrongful death cases involving workplace accidents, including, among others, the following industries: underground coal mining, forest products, transportation, electrical power generation, retail establishments, mental health providers and petroleum product refineries.

Mr. Rector has defended targets of investigations brought by the United States Attorney for presentation to federal grand juries and the Mine Safety and Health Administration's Special Investigation Unit. Mr. Rector has also defended corporations and individuals before the West Virginia Office of Miners' Health Safety and Training.

Mr. Rector, a former federal circuit court law clerk, has handled several appellate matters in the West Virginia Supreme Court of Appeals, as well as the Federal Courts, including an amicus curiae brief in the United States Supreme Court. In addition, Mr. Rector has coached the West Virginia University's National Moot Court team annually since 1994. Mr. Rector is also regularly

requested to assist other attorneys within the firm in the preparation of substantive motions to be presented to trial judges.

Within the community, Mr. Rector is the Chair of the Board of Directors for the Pricketts Fort Memorial Foundation and he is a member of the Harrison County Chamber of Commerce. Mr. Rector completed Leadership Harrison in 2002. Mr. Rector has been the Editor of the monthly West Virginia Employment Law Letter, a national publication, since 1995. Mr. Rector has regularly addressed professional organizations and clients in the areas of labor and employment law and has lectured at the West Virginia University College of Law. Mr. Rector is the only West Virginia member of the National Employers Council Network, a national group comprised of management-side employer attorneys. Mr. Rector is also recognized in "The Best Lawyers in America" in the field of labor and employment law.

Mr. Rector received his legal education at the University of Nebraska, with high distinction, and was inducted into the Order of the Coif. He was the Executive Editor of the Nebraska Law Review and a member of the National Moot Court Team. He received his undergraduate education from Morningside College in Sioux City, Iowa.

After law school, Mr. Rector completed a judicial clerkship for Judge Floyd Gibson of the United States Court of Appeals for the Eighth Circuit. Thereafter, Mr. Rector was associated with a Washington, D.C. law firm where he practiced in the litigation department specializing in federal securities litigation, class actions and derivative actions.

### **Gregory B. Robertson**

Greg Robertson is an attorney with Hunton & Williams in the Richmond, Virginia, office, where his practice focuses on all aspects of labor and employment law including employment advice and litigation, representation elections, and all labor relations matters with expertise in the coal and natural resource industries, service, manufacturing, food distribution, textile and health care.

Greg has substantial litigation experience in employment, employee benefit and labor relations matters in state and federal courts, appellate courts, before administrative agencies and in arbitration proceedings. He has handled dozens of representation elections for employers of all sizes, including numerous elections in units of 500 to 3000 employees, and has handled large- and medium-sized non-competition and trade secrets cases in state and federal courts.

Greg has represented large and medium-sized employers in various labor disputes in coal and other industries, both wildcat and authorized strikes that included violence and resulted in 10(j) and other injunctive and contempt proceedings. He has successfully negotiated numerous collective bargaining agreements, and lobbied on behalf of employers and associations regarding employment and labor-related legislation. Greg has negotiated and drafted labor and employment components of agreements for mergers and acquisitions involving Fortune 500 companies, and routinely provides advice and counseling regarding state and federal labor and employment laws.

Greg has published articles in numerous journals and magazines, as well as in the Proceedings of the Energy and Mineral Law Foundation. He is a member of the American Bar Association and the Virginia State Bar, and is admitted to practice in the Virginia Supreme Court; Fourth, Sixth and the District of Columbia U.S. Circuit Courts of Appeal, and the U.S. Supreme Court. Greg

is a Past President of the Energy and Mineral Law Foundation, and serves on the Board of Directors and as Counsel to the Virginia Chamber of Commerce

Greg is listed in *Best Lawyers in America, 2004* and earlier Editions, and was selected as one of the “Ten Best Labor and Employment Lawyers in Virginia” - 2001-2004, by *Virginia Business Magazine*. He received a J.D. from the University of Richmond School of Law in 1976, and a B.A. from Washington and Lee University in 1973.

### **George A. Rusk**

George Rusk is Vice President of Ecology and Environment, Inc., in Lancaster, New York. He has over 20 years' experience and an extensive background in environmental law. He specializes in review/analysis of federal and state environmental legislation and implementation of regulations concerning the control of toxic substances; permitting and environmental impacts associated with hardrock and coal mine development; natural resource damages and enforcement actions relating to the release of hazardous substances; occupational safety and health; hazardous and solid waste management, generation, storage, transport, and disposal; management of low-level radioactive waste; and synthetic and alternative fuel development. His wide range of responsibilities include coordination of matters involving regulatory agency proceedings; tracking of federal and state regulatory and legal developments; development of permit acquisition strategies and participation in legislative and adjudicative hearings; implementation and oversight of due diligence site assessments and regulatory compliance audits; negotiation with agencies regarding the scope of remedial programs, fines, penalties, natural resource damage and compensatory mitigation programs, and cleanup levels for hazardous waste sites and releases of hazardous substances or pollutants.

Mr. Rusk directs Ecology and Environment, Inc.'s (E & E's) litigation support services group. He works directly with outside counsel and E & E toxicologists, medical doctors, engineers, and other technical staff to provide focused technical support on contested matters.

Project work includes negotiation of penalties, consent orders, environmental impact assessments and stream restoration and remedial programs relating to spills of hazardous substances or pollutants; development of integrated Geographic Information System (GIS) databases, contaminant dispersion maps, and demonstrative aids on large-scale toxic tort cases; coordination of pretrial discovery and independent medical examinations to develop medical history summary databases; implementation of scientific research and literature reviews to identify relevant exposure standards and health effects of particular compounds; development of briefing packages for expert witnesses to ensure consistency of testimony and work products; fact-gathering efforts and research studies to identify alternate causation theories on cases involving alleged chemical exposures and contamination from historic waste disposal practices; engineering evaluations of remediation work to assess the reasonableness of disputed insurance claims; and development of allocation models to evaluate relative responsibilities of potentially responsible parties involved in cost recovery litigation.

Mr. Rusk earned his J.D. at State University of New York in Buffalo and his B.A. in Political Science at Yale University. He is a Trustee of the Energy & Mineral Law Foundation, and spoke

at the 2002 Annual Institute on Natural Resource Damage Assessments, and authored a chapter on this topic published in Volume 23 of the *Energy & Mineral Law Institute*.

### **John S. Summers**

Mr. Summers is an attorney with Hanglely Aronchick Segal & Pudlin in Philadelphia, where he is a civil and white collar criminal defense litigator. He graduated from the University of Pennsylvania Law School in 1984, where he served as an Editor of the University of Pennsylvania Law Review and was awarded the Mark A. Lefever Prize for Law and Economics. He received his B.A. magna cum laude from Wesleyan University in 1980. From 1984 to 1986, Mr. Summers served as law clerk to the Honorable Thomas N. O'Neill, Jr. of the United States District Court for the Eastern District of Pennsylvania.

Since 1999, Mr. Summers has served as a Member and then Chair of a hearing panel of the Disciplinary Board of the Supreme Court of Pennsylvania. He also serves on the Board of Directors of The Reinvestment Fund, where is a member of the Executive Committee. Mr. Summers is involved in many professional organizations: He is a Trustee of the Philadelphia Bar Foundation and has served as the chair of The Foundation's Grants Committee for several years. He is the former President of the Philadelphia Bar Education Center, a former member of the Philadelphia Bar Association's Board of Governors, a former chair of the Professional Responsibility Committee and a member of the Professional Guidance Committee of the Philadelphia Bar Association.

Mr. Summers is also active in teaching. He is currently Lecturer-in-Law at the University of Pennsylvania Law School, where he teaches "Appellate Advocacy." Mr. Summers has also been invited to lecture classes at the Villanova University Law School and the Temple University School of Law. From 1985 to 1986, he was a member of the Board of Trustees of Wesleyan University. He has also frequently lectured on trial practice, legal ethics and professionalism matters. His practice includes complex commercial, health care, professional malpractice and misconduct, construction, employment, intellectual property and general business cases.

### **Terry Talbert**

### **Scott Thompson**

Scott Thompson is Director of Natural Gas Trading for ACES Power Marketing in Indianapolis, where he identifies natural gas risks, develops hedging strategies, and implements the strategies to eliminate unwanted risks in member and customer portfolios. Scott has 18 years experience in the natural gas industry, and has held various positions in financial trading, physical trading, risk management, financial structuring, marketing, and engineering. Before joining ACES Power Marketing, he developed and managed Williams Energy Marketing & Trading natural gas storage trading activities. Prior to that Scott held various positions within PG&E: trading financial basis, retail risk management, structuring, and marketing. Scott began his natural gas marketing career in Pittsburgh, working for a regional marketing company now owned by UGI. Prior to FERC Order 636, he aggregated regional producers' production and developed risk management products for them. Later, he aggregated and managed small local distribution companies' (LDCs) assets in the new deregulated market place. Scott holds an M.B.A. degree

from West Virginia Wesleyan College, and a Petroleum & Natural Gas Engineering degree from The Pennsylvania State University.

### **Charlie A. Tuck**

Charlie is the owner and President of Tuck Management Group, Inc. located in Kingsport, Tennessee. Tuck Management Group, Inc. is a consulting firm that specializes in Human Resource and Management Consulting services to a very diversified group of clients from industries such as the energy industry (electrical, coal and gas), as well as other industries including construction, hard rock mining, hospitals, automotive, sales and service, wood industry, flooring industry, heavy manufacturing, and many others.

Tuck Management Group, Inc. is currently in its tenth year of service to its clients. Charlie and his associates specialize in dealing with all facets of Human Resource and Labor Relations consulting.

Prior to Tuck Management Group, Inc., Charlie worked as a consultant to management for twelve years with a privately owned consulting group where he was the Executive VP. He has consulted in the U.S. as well as Canada and Japan. Prior to his consulting career, he worked in the mining and construction industries holding positions of management and responsibility ranging from front-line management to General Manager of Operations. During his years in the mining and construction industries, he gained much hands-on experience in personally dealing with all facets of labor relations including labor negotiations, strikes, arbitration and maintenance of the union-free side of the businesses he managed. This is why Charlie says he prefers practical solutions, ones that fit the needs of the owner, management and the employees as well.

Charlie's education is in Business Administration from the Robins School of Business at the University of Richmond. He is a native of Virginia and currently resides in Kingsport, Tennessee with his wife Carolyn of twenty-six years and their sixteen-year old daughter Lauren. They also have two sons, Adam currently residing in Nashville, Tennessee and David who is in his junior year at Virginia Tech in Blacksburg, Virginia.

### **Greg A. Walker**

Greg A. Walker is currently the Senior Vice President, General Counsel and Secretary of Foundation Coal Holdings, Inc. Through its affiliates, this company is the fourth largest coal producer in the United States, with over 2,700 employees at operations in 5 states. In addition to his responsibilities as the chief legal officer, he oversees the Land, Environmental, and Government and Community Relations functions. He is a member of the New York, Florida, and Colorado bars, and is admitted to practice before numerous federal courts, including the United States Supreme Court.

Mr. Walker has been active in the extractive minerals industries since commencing his law practice in 1981. This has included work throughout the United States and in many foreign countries, including Indonesia, Thailand, Australia, Venezuela and Colombia. His career has covered environmental, land, and legal matters associated with coal, oil and gas, oil shale, tar sands, uranium, phosphate, precious metals and other commodities. The majority of his work over the years has been related to coal. He has worked with all stakeholders of planned, active,

and closing mining projects. These stakeholders include employees, shareholders, bankers, regulators, landowners, environmental groups, customers, local communities and the media.

Greg was raised in central Florida. He attended the Orange County public schools and matriculated to the University of Pennsylvania in Philadelphia, Pennsylvania. At Penn he completed a double major in geology and environmental sciences, graduating in 1978 With Honors and With Distinction in the major of geology. He returned to Florida to attend law school at the University of Florida in Gainesville, Florida. In law school he was the Chairman of the Moot Court, an Appellate Advocacy Advisor, and an abstractor for the Eastern Water Law Foundation. He also received the American Jurisprudence Award in the course on Oil and Gas Law. He received his Juris Doctor degree in 1981.

Upon graduation from law school, Greg accepted a position with the Office of General Counsel of Mobil Corporation in New York City. There he worked on international exploration, refining, and marketing projects. In 1982 he was transferred to Denver, Colorado to work on mining projects for Mobil Oil. This experience included matters related to coal, uranium, oil shale and tar sands. In 1986 he left Mobil Oil for private practice in Denver. In private practice he maintained his activity in natural resources, but he also handled a broad spectrum of commercial litigation. In 1989 he was hired by Cyprus Amax Minerals Company in Colorado to oversee legal affairs of the coal division. He has maintained this role through several ownership changes.

Greg lives with his wife Susan and two daughters in Annapolis, MD.

### **Bruce Watzman**

Bruce Watzman is National Mining Association's vice president for safety, health and human resources where he is responsible for developing NMA's policy positions on these matters when pending both before the Congress and the respective governmental agencies.

Bruce joined the National Coal Association (NMA's predecessor) in 1980 and has held a variety of positions including Legislative Representative, Director of Leasing and Regulatory Affairs, and Director of Safety and Health. He was promoted to the position of vice president in March 1989.

Bruce serves on the Executive Committee of the Mining Section of the National Safety Council on various planning and advisory committees for the Mine Safety and Health Administration and the National Institute of Occupational Safety and Health. From 1975 to 1980, Bruce was the legislative assistant to Representative Nick Rahall (D-WV) where he served as the Congressman's principal liaison with the energy industry. Additionally, Bruce directed the activities of the Congressional Coal Group.

Bruce holds undergraduate degrees in economics and psychology and a postgraduate degree in Environmental Health Management.

### **Stephen E. Williams**

Stephen E. Williams was elected Vice President and Chief Legal Officer for CONSOL Energy Inc., effective March 17, 2003. He oversees the company's Legal Department and acts as its

general counsel and corporate secretary. Williams also directs the legal affairs of CONSOL Energy's related companies and subsidiaries.

Prior to joining CONSOL Energy, Williams was Of Counsel to McGuireWoods, LLP, a Pittsburgh law firm, and headed its Energy and Utilities section. He founded and managed the firm in 2000.

From 1993 to 2000, Williams was Senior Vice President and General Counsel of Consolidated Natural Gas Company, until its acquisition by Dominion Resources Inc. He managed CNG's Legal Department, and oversaw the company's regulatory, government relations, human resources, and corporate communications functions. He also served as its corporate secretary. Williams had been General Counsel of the subsidiary CNG Transmission Corporation from 1987 to 1992. He was responsible for all legal and regulatory affairs of this interstate pipeline and storage company based in West Virginia.

Williams is a 1970 graduate of Harvard College in Cambridge, MA, with a B.A. *cum laude* in Architectural Sciences. He earned his law degree in 1974 from West Virginia University College of Law in Morgantown.

Williams is a member of the American Bar Association; Pennsylvania Bar Association; and West Virginia State Bar. He is a member of the Energy Bar and former Vice Chair of its Ethics Committee; a member of the Duquesne Club; a member of the Harvard Club of Western Pennsylvania and chair of its Schools & Scholarships Committee; and a former member of the Board of Directors and Executive Committee of the Pittsburgh Symphony Orchestra.

CONSOL Energy Inc. is the largest producer of high-Btu bituminous coal in the United States, and the largest exporter of U.S. coal. CONSOL Energy has 20 bituminous coal mining complexes in seven states and Australia. In addition, the company is one of the largest U.S. producers of coalbed methane, with daily gas production of approximately 135 million cubic feet. The company also produces electricity from coalbed methane at a joint-venture generating facility in Virginia. CONSOL Energy has annual revenues of \$2.2 billion. It received a U.S. Environmental Protection Agency 2002 Climate Protection Award and the U.S. Department of the Interior's Office of Surface Mining 2002 National Award for Excellence in Surface Mining for the company's innovative reclamation practices in southern Illinois.

### **John R. Woodrum**

John R. Woodrum is a partner in the Washington, D.C. office of Ogletree, Deakins, following the merger of the Washington office of Heenan Althen & Roles with this firm. He concentrates on pension and employee benefits litigation, and also works extensively in the labor and environmental law areas. Mr. Woodrum's practice emphasizes preventive law and maintaining compliance with state and federal laws which govern employee rights and entitlements. He represents employers in arbitration and federal court litigation, defending claims brought by multiemployer pension and welfare plans, government agencies, and employees under ERISA and other employee benefit statutes. He routinely counsels and defends employers in disputes with employees, retirees and other claimants involving pension benefits, severance pay, health care benefits, and other entitlements claims.

Mr. Woodrum has served as the Field Solicitor for the Department of the Interior in Charleston, West Virginia (1979-1983). In that position he was responsible for all administrative and federal court litigation in West Virginia, Pennsylvania, Virginia and Maryland related to the regulatory initiatives assigned to him. During the 1970s he served as a labor union counsel and in that capacity was responsible for collective bargaining and legal issues related to pensions, health care and employee benefits. Mr. Woodrum is a frequent speaker at seminars and national conferences on pension, labor and environmental topics. He contributes regularly to professional publications such as law review journals and the BNA Pension Reporter, and serves as Trustee and Executive Committee Member of the Energy & Mineral Law Foundation.

Mr. Woodrum received his undergraduate degree from Harvard University (B.A.1969) where he majored in Economics. He obtained his law degree from the University of Southern California in 1974. He is a member of the California and District of Columbia bars, and is admitted to practice before various federal district and circuit courts, including the United States Supreme Court