



ENERGY & MINERAL LAW FOUNDATION

Special Institute on Mine Safety and Health Law

June 28-29, 2004 • Washington, DC

Supported by the
U.S. Department of Labor

Monday, June 28, 2004 – USDOL Auditorium, 200 Constitution Avenue, N.W.

9:00 a.m. Welcome and Introductions

- Edward P. Clair, Associate Solicitor for Mine Safety & Health, *USDOL*, Arlington, VA
- Timothy M. Biddle, *Crowell & Moring LLP*, Washington, DC

9:05 - 9:30 Remarks from Solicitor of Labor Howard M. Radzely

9:30 - 10:10 Fair Notice Under the Mine Act

- Mark E. Heath, *Spilman, Thomas & Battle PLLC*, Charleston, WV
- W. Christian Schumann, Appellate Counsel, Office of the Solicitor, *USDOL*, Arlington, VA

10:10 - 10:30 Break

10:30 - 11:50 Practice Before the Administrative Law Judges – Everything You Ever Wanted to Know, But Were Afraid to Ask

Moderator: Marco M. Rajkovich, Jr., *Wyatt, Tarrant & Combs*, Lexington, Kentucky

- Judge Avram Weisberger, *Federal Mine Safety & Health Review Commission*, Washington, DC
- Judge Jerold Feldman, *Federal Mine Safety & Health Review Commission*, Washington, DC
- Judge Michael Zielinski, *Federal Mine Safety & Health Review Commission*, Washington, DC
- Ann M. Noble, Associate Regional Solicitor, *USDOL*, Denver, CO
- Thomas A. Grooms, Senior Trial Attorney, *USDOL*, Nashville, TN
- Judith Rivlin, Associate General Counsel, *UMWA*, Fairfax, VA
- Thomas C. Means, *Crowell & Moring LLP*, Washington, DC

11:50 - 1:00 Lunch (on your own)

1:00 - 1:20 p.m. The Commission Today

- The Honorable Michael F. Duffy, Chairman, *Federal Mine Safety and Health Review Commission*, Washington, DC

1:20 - 2:05 Whistleblower Protections Under the Mine Act – What's the Remedy?

Moderator: Douglas N. White, Associate Regional Solicitor, *USDOL*, Arlington, VA

- Connie M. Ackermann, Counsel for Civil Rights, Office of the Solicitor, *USDOL*, Dallas, TX
- Henry Chajet, *Patton Boggs*, Washington, DC
- Margaret Lopez, *Ogletree Deakins*, Washington, DC

2:05 - 2:35 Regulatory Update

- Marvin W. Nichols, Jr., Director, Office of Standards, Regulations and Variances, *Mine Safety & Health Administration*, Arlington, VA

2:35 - 2:55 Break

2:55 - 3:55 Ethics in Practice Before the Commission

- Thomas A. Stock, General Counsel, *Federal Mine Safety and Health Review Commission*, Washington, DC
- James A. Lastowka, *McDermott, Will & Emery LLP*, Washington, DC
- Mark A. Malecki, Counsel for Trial Litigation, Office of the Solicitor, *USDOL*, Arlington, VA

3:55 - 4:15 Commission Procedure

- Sarah Stewart, Office of the General Counsel, *Federal Mine Safety and Health Review Commission*, Washington, DC

4:15 - 4:45 Technology Update – What's New and on the Horizon to Make Mining Safer

- Mark Skiles, Director of Technical Support, *MSHA*, Arlington, VA

5:30 - 7:30 RECEPTION – FMSHRC, 601 New Jersey Ave., NW, Suite 9500

Hosted by Crowell & Moring, Jackson Kelly, McDermott Will & Emery, Ogletree, Deakins, Nash, Smoak & Stewart, Patton Boggs, Spilman Thomas & Battle, and Wyatt, Tarrant & Combs

Tuesday, June 29, 2004 – Bureau of Labor Statistics Conference Center, 2 Mass. Ave, NE

9:00 - 10:30 a.m. Criminal Proceedings Under the Mine Safety and Health Act

Moderator: Thomas A. Mascolino, Deputy Associate Solicitor for Mine Safety and Health, *USDOL*, Arlington, VA

- Shawn A. Morgan, Assistant U.S. Attorney, *Northern District of West Virginia*, Clarksburg, WV
- Jerald Feingold, Senior Trial Attorney, Office of the Solicitor, *USDOL*, Arlington, VA
- Page Jackson, Deputy Director, Office of Assessments, *MSHA*, Arlington, VA
- Robert I. Cusick, *Wyatt, Tarrant & Combs*, Louisville, KY

10:30 – 10:50 Break

10:50 – 11:10 Looking Forward – Prevention and Performance

- Remarks by John Langton, Deputy Administrator – Coal, *MSHA*, Arlington, VA

11:10 - 11:50 MSHA's Noise Rules, Compliance and Enforcement: Can You Hear Me Now? Good!

- Carol J. Jones, Chief of Health Division, *Metal/Non-Metal Mine Safety and Health*, Arlington, VA
- Laura E. Beverage, *Jackson Kelly PLLC*, Denver, CO

11:50 – Noon Closing Remarks

Noon - 1:30 Lunch on your own

1:30 - 2:30 Oral Argument in *Secretary of Labor (MSHA) v. Twentymile Coal Co* before the Federal Mine Safety and Health Review Commission

The Richard V. Backley Hearing Room, 9th Floor, 601 New Jersey Avenue, N.W. , Washington, DC

- Counsel for Twentymile: R. Henry Moore, *Jackson Kelly PLLC*, Pittsburgh, PA
- Counsel for the Secretary: Jack Powasnik, Attorney, Office of the Solicitor, *USDOL*, Arlington, VA