

Mine Safety and Health Law
June 28-29, 2004

About the speakers

Connie M. Ackermann

Connie Ackermann serves as the Counsel for Civil Rights in the Dallas Regional Solicitor's Office. As Counsel for Civil Rights, she oversees all OFCCP and whistleblower litigation for the Department of Labor in Texas, Louisiana, Oklahoma, New Mexico and Arkansas, including cases brought under 105(c) of the Mine Act. Before becoming a counsel, she practiced in all program areas. She graduated *magna cum laude* from the University of New Mexico School of Law in 1993 and began her career with the Solicitor's Office in August of 1994.

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.

Timothy M. Biddle

Tim Biddle, Crowell & Moring LLP, is a senior partner who founded and leads the firm's extensive federal mine safety and health counseling and litigation practice.

For 30 years, Tim has represented mining companies in contesting Federal Mine Safety and Health Act (MSHA) citations and orders of withdrawal, defending against miner discrimination claims, litigating contested petitions for modification of safety standards and challenging MSHA regulations in federal court. He often counsels companies and supervisors facing MSHA special investigations and represents companies during MSHA investigations of mine accidents. The National Coal Association selected Tim as the industry's "Coal Lawyer of the Year" for 1991.

Tim lectures and writes extensively on mine safety subjects. He is the editor and author of several chapters of Volume I, Mine Safety and Health, *Coal Law and Regulation* (Matthew Bender & Co. 1983 and annual supplements) and is the author of the chapter on Federal Regulation of Mine Safety and Health in *American Law of Mining 2d*, a multi-volume treatise on U.S. mining law. He has published several articles on mine safety topics and speaks frequently on mine safety issues at industry conferences, including those sponsored by the National Mining Association, the Energy & Mineral Law and Rocky Mountain Mineral Law Foundations and Mine Regulation Reporter. Tim often presents seminars on mine safety law for supervisors at mines operated by mining companies.

Tim received his B.A. degree from Georgetown University and his law degree from Catholic University Law School, where he was an Editor of the Law Review. Tim is a member of the District of Columbia and Virginia bars and is admitted to practice in the United States Supreme Court and the United States Courts of Appeals for the District of Columbia, 3rd, 4th, 10th and 11th Circuits.

Henry Chajet

Henry Chajet, Patton Boggs, counsels and represents clients in environmental, health and safety (EH&S) matters, focusing on crisis management, dispute resolution, trial and appellate litigation, standard setting, liability prevention and regulatory and congressional proceedings. He defends investigations and enforcement actions by OSHA, MSHA, EPA, DOT, NTSB, NIOSH, and other federal and state agencies, as well as in related tort claims and criminal cases, and EH&S whistleblower or discrimination claims.

To achieve an integrated defense strategy at the initiation of a government investigation or enforcement action, he coordinates technical experts, insurance issues, government interviews and document production, and public relations experts. Mr. Chajet has extensive experience representing clients in cases involving fatal or serious injuries, explosions, chemical releases, fires, manufacturing, transportation and construction accidents, mine disasters and allegations of product toxicity or community harm.

Mr. Chajet also provides regulatory and congressional counseling, loss prevention audits, management training services, and public policy counseling and lobbying for companies and trade associations. He has represented companies and numerous coalitions in environmental and occupational health matters, both in the regulatory process and in managing related scientific research. For ten years, he has served as counsel to a coalition of diesel engine users who conduct health effects research in conjunction with government agencies and participate in diesel-related regulatory matters.

In appropriate circumstances, Mr. Chajet combines litigation with public policy initiatives to achieve client goals. He has won numerous precedent-setting cases (*e.g.*, a corporation engaged in good faith loss prevention efforts is not a "guarantor" of workplace safety; defective toxic substance analytical procedures used by the government rejected; defective dust

legislation rejected by U.S. Circuit Court of Appeals.) Mr. Chajet's most important victories, however, go unreported, since they prevent inappropriate "white collar criminal" indictments, avoid monetary losses, obtain settlements from responsible third parties and insurance carriers, and minimize fines through privileged and confidential fact finding, management of experts, and negotiations in regulatory enforcement proceedings and related claims.

Edward P. Clair

Ed Clair is Associate Solicitor for Mine Safety and Health in the U.S. Department of Labor, a position he has held since 1987. Prior to that time he held positions as Deputy Associate Solicitor and Counsel for Coal Mine Standards and Legal Advice. Mr. Clair is a 1972 graduate of Georgetown University Law Center and a 1968 graduate of Rutgers University.

Robert I. Cusick

Robert Cusick, Wyatt, Tarrant & Combs, is Co-Chair of the Firm's Opinions and Standards Practice Group and is a member of the Mineral & Energy and Tort & Insurance Practice Groups. He concentrates his practice in federal litigation and professional ethics and has particular experience in mineral law and underground mining. Prior to joining the law firm, Mr. Cusick served as a Navy Judge Advocate for four years in Washington D.C. and at sea as Staff Judge Advocate aboard the USS AMERICA. He retired from the U.S. Naval Reserve as a Captain in the Judge Advocate General's Corps in 1998. In 1991, he received the Distinguished Service Award from the Louisville Bar Association. He served on the Board of Governors of the Kentucky Bar Association and as a Board member on the Kentucky Board of Bar Examiners. He is a member of the American Judicature Society, ABA Center for Professional Responsibility, Greater Louisville Inc. and Navy League of the United States. Mr. Cusick serves as a Councilman of the City of Indian Hills. He is a member of the Louisville, Kentucky and American Bar Associations. Mr. Cusick received his B.A. degree in 1965 and his J.D. degree in 1968 from the University of Louisville.

The Honorable Michael F. Duffy

Michael F. Duffy was sworn in as a member of the Federal Mine Safety and Health Review Commission on December 2, 2002, and was named Chairman of the Commission by President Bush on February 2, 2003. Prior to his appointment to the Commission, Mr. Duffy served as deputy general counsel to the National Mining Association and was responsible for issues ranging from mine safety and health to environmental compliance and public land use. From 1986-1992, he served as counsel to the Chairman of the Review Commission.

Mr. Duffy received his B.A. in English from the Catholic University of America, and his J.D. from the National Law Center at George Washington University. Mr. Duffy is a member of the District of Columbia Bar and is admitted to practice before the U.S. Supreme Court and several U.S. Circuit Courts of Appeals.

He was born and raised in Butte, Montana, and was employed there in the copper mines while working his way through school. He currently resides in Washington, D.C. and Mineral, Virginia. He and his wife, Jane, have three children, Juliana, Eamon, and Brendan.

Jerald S. Feingold

Jerald S. Feingold received a Bachelor of Science degree from Pennsylvania State University in 1974, and his J.D. degree from Temple University School of Law in 1977. He is admitted to the bar in Virginia and the District of Columbia. Mr. Feingold has been an attorney with the United States Department of Labor since 1981. He practiced as a supervisory attorney in the area of Black Lung benefits law while at the Benefits Review Board for five years. Since 1986, Mr.

Feingold has engaged in appellate practice with the Solicitor of Labor's Office, in Arlington, Virginia, handling mine safety and health cases before the Federal Mine Safety and Health Review Commission and the United States Circuit Courts of Appeals. Since April 1998, Mr. Feingold has also held the position of "criminal coordinator" within the Mine Safety and Health Division of the Solicitor's Office. In this position, he works with MSHA's Special Investigation's enforcement personnel and Assistant United States Attorneys nationwide to provide those services which can advance the successful prosecution of criminal cases arising under the Mine Act.

The Honorable Jerold Feldman, Federal Mine Safety & Health Review Commission

Thomas A. Grooms

Tom Grooms is a 1967 graduate of St. Louis University and a 1973 graduate of the University of Tennessee law school where he was Order of the Coif and a member of the Tennessee Law Review. He is a senior trial attorney in the Solicitor's Office of the U.S. Department of Labor in Nashville, where he has worked since January 1981. The majority of Mr. Grooms' work involves litigating cases and supervising the litigation of cases under the Mine Act in the states of Kentucky, Tennessee and Alabama.

Mark E. Heath

Mark E. Heath is Counsel at Spilman Thomas & Battle, PLLC's, Charleston, West Virginia office. He concentrates in safety issues, 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 Occupational Safety and Health Administration, the Mine 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 also counsels companies on a variety of labor and employment issues. He has represented companies in precedent-setting WARN Act litigation, including an appellate case that upheld the use of the "unforeseeable business circumstances exception" to shorten WARN notice requirements following a mining company's loss of a vital contract. Mr. Heath also has been a frequent public speaker on the WARN Act. Mr. Heath provides guidance to companies throughout the United States on other federal labor, employment, and wage and hour issues.

Mr. Heath is a regular speaker before industry and trade groups on health and safety and labor issues. He is also a Trustee and member of the Executive Committee of the Energy and Mineral Law Foundation.

Prior to joining Spilman Thomas & Battle, PLLC, Mr. Heath was a partner in the former Heenan, Althen & Roles, LLP, and from 1987 to 1989 was a Captain with the United States Army Judge Advocate General's Corps, where he concentrated in labor, administrative law and military justice. 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 Appeal for the Fourth and Sixth Circuits, and the U.S. Supreme Court.

Page Jackson

Page H. Jackson joined the Mine Safety and Health Administration in December, 1993, after 16 years of service as a trial lawyer in the Office of the Solicitor, U.S. Department of Labor. Since joining MSHA, Mr. Jackson has worked in accident investigations in Coal Mine Safety and Health and served as the Chief, Technical Compliance and Investigations Division, in Metal and Nonmetal Mine Safety and Health. He presently serves as Deputy Director, Office of Assessments where he directs the Technical Compliance and Investigations Office and the Systems and Special Assessments Office.

Mr. Jackson's initial involvement in mine safety and health was in December, 1977 when he represented MSHA in federal court cases challenging the constitutionality of the Federal Mine Safety and Health Act of 1977. During the 1980s, Mr. Jackson's trial practice focused primarily on matters involving mine safety and health. He has had extensive experience in the area of investigation, referral, and trial of criminal proceedings under the Mine Act.

A native of Salisbury, Maryland, Mr. Jackson graduated from Georgetown University in 1970 and received his law degree from the University of Maryland, School of Law in 1973. He is admitted to the bar in Maryland.

Carol J. Jones

Carol is a health scientist who has worked for the U.S. government for 16 years. Her first two years were spent at the National Cancer Institute where she was a staff fellow in cancer epidemiology. She has published several journal articles in this area. For the next 8 years of her government career, she worked as a health scientist in the Directorate of Health Standards Programs at the Occupational Safety and Health Administration, where she served as team leader on the Asbestos standards and the standard for 1,3-Butadiene. In 1998, she came to the Mine Safety and Health Administration as a senior health scientist in the Office of Standards, Regulations and Variances. For a period of two years she served as acting Director of that office. Currently, she is serving as the Chief of the Health Division, Metal/Non-Metal Mine Safety and Health.

Ms. Jones received her Bachelor Science degree from University of Wisconsin-Madison, and her Doctorate of Philosophy from Oregon State University.

James A. Lastowka

James A. Lastowka is a partner in the law firm of McDermott Will & Emery LLP based in the Firm's Washington, D.C. office. He is a member of the Firm's OSHA Practice Group, where his practice focuses on compliance counseling, inspection counseling, safety and health audits, due diligence reviews, rule making proceedings, administrative trials and appellate review. Jim has an extensive background in mine safety and health (MSHA) and occupational safety and health (OSHA) law. His experience encompasses the full range of MSHA and OSHA litigation, including contesting penalties, citations and withdrawal orders, as well as discrimination and whistleblower proceedings.

Margaret S. Lopez

Ms. Lopez is a partner in the law firm of Ogletree, Deakins, where her practice is concentrated in labor and employment law, occupational safety and health, non-profit associations and employee benefits.

Ms. Lopez represents employers in federal court cases concerning employment issues, ERISA benefit plan obligations and traditional labor law matters. She also defends and advises companies in federal safety regulatory matters, including issues arising under the Occupational Safety and Health Act and the Federal Mine Safety and Health Act. She also regularly counsels corporations, trade associations and professional societies on a wide variety of topics including employment law, organizational governance, contracts, government relations and homeland security-related matters.

Ms. Lopez received her law degree with Honors from the George Washington University Law School where she was an editor of *The George Washington Journal of International Law and Economics*. Ms. Lopez also holds a Masters Degree in National Security Studies from Georgetown University and an undergraduate degree with Distinction from the University of Virginia. Prior to entering the practice of law, Ms. Lopez worked for seven years for the Department of Defense, where she specialized in computer and telecommunications security.

Mark A. Malecki

Mark Malecki has practiced law in the Office of the Solicitor, United States Department of Labor from 1982 to the present. From 1982 until 1990 he worked in the Arlington Associate Regional Office, and from 1990 to 1994 in the Division of Legislation and Legal Counsel. From 1994 to the present he has worked in the Division of Mine Safety and Health in the Trials Section where he has litigated significant cases under the Mine Act, including cases involving multiparty litigation, toxic materials cases, discrimination cases and the Kaiser accident public hearing. He is a graduate of Georgetown University Law Center and has a B.A. from the University of Wisconsin – Milwaukee.

Thomas A. Mascolino

Tom Mascolino is currently the Deputy Associate Solicitor, Mine Safety & Health, in the Division which is one of 12 national office divisions in the Labor Department's Office of the Solicitor. He has been involved in legal issues concerning mine safety and health legislation for over 30 years. Tom became Deputy Associate in 1989 and prior to that time served as Trial Counsel for 15 years (beginning when the program was housed in the Interior Department). In 1971 he joined the Interior Department serving as Special Assistant to the Director, Office of Hearings and Appeals. Tom began his federal legal career as law clerk to the Honorable Edward S. Northrop of the District Court in Maryland and also as law clerk to the Honorable E. Barrett Prettyman. He is a 1968 graduate of Georgetown University Law Center (J.D.) and a 1965 graduate of the University of Steubenville (Ohio). He is married to the former Anne Bliss and has one grown son, Andrew who lives in Memphis.

Thomas C. Means

Thomas C. Means joined the firm of Crowell & Moring in 1978 and is a Partner in the firm's Natural Resources & Environmental Group. Mr. Means received an AB cum laude with high honors in Government from Dartmouth College in 1969, where he was elected to Phi Beta Kappa.

He received a Masters in Public Administration from the University of Colorado in 1975 and attended Princeton Theological Seminary on a fellowship. In 1978, he earned his law degree with highest honors from George Washington University, where he was a member of the Law Review and Order of the Coif, graduating third in his class.

Mr. Means is a specialist in judicial review of agency action and appellate advocacy, focusing primarily on issues involving federal regulation of the mining industry, principally under the Federal Mine Safety and Health Act of 1977 (MSHA), the Surface Mining Control and Reclamation Act of 1977 (SMCRA), and other environmental laws. Mr. Means has extensive experience in representing mine operators, mine supervisors, and trade associations in MSHA and SMCRA matters, including MSHA special investigations seeking to impose civil and criminal liability, MSHA discrimination complaints, and MSHA and SMCRA enforcement defense litigation, as well as in litigation challenging unlawful MSHA and OSM regulations and related regulatory actions. Mr. Means is an expert in the limits of MSHA jurisdiction and has been active in the battle to prevent the further expansion of MSHA's jurisdiction to coal-fired power plants and other coal users.

Mr. Means is a Trustee and Past President of the Energy & Mineral Law Foundation and continues to serve on the Foundation's Editorial Board. Mr. Means is a member of the Bar of the District of Columbia. He is admitted to practice before most of the United States Courts of Appeals and the United States Supreme Court.

Prior to joining Crowell & Moring, Mr. Means was a lobbyist and government affairs representative for Colorado Counties, Inc., a non-profit association of all of the county governments in Colorado, where he gained extensive knowledge in the areas of legislation, agency rulemaking, inter-governmental relations, and federalism.

R. Henry Moore

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 the Firm's nation-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, construction, heavy industry such as steel production and foundries, airlines and other service industries. 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 nation-wide 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 Occupational Safety and Health Act and the Federal Mine Safety and Health Act. Mr. Moore has engaged in litigation before various tribunals including the Federal Mine Safety and Health Review Commission; the Occupational Safety and Health Review Commission; the U.S. Courts of Appeals; the Pennsylvania Environmental Hearing Board; and the Pennsylvania Commonwealth Court. Mr. Moore serves as safety and health counsel to the Pennsylvania Coal Association and is a member of several national trade association safety and health committees. He is a frequent speaker at various seminars and meetings including the Energy and Mineral Law Foundation, the National Mining Association, and the National Safety Council. Topics of his papers have included agent and managerial liability under federal safety and health laws, practice and procedure under the Occupational Safety and Health Act and the Federal Mine Safety and Health Act, and remedies for discrimination under the Federal Mine Safety and Health Act.

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 Appeal for the Third, Fourth, Sixth, Seventh, Ninth and District of Columbia Circuits

Shawn Morgan

Shawn Morgan has been an Assistant United States Attorney for the Northern District of West Virginia since January 2002. She previously worked as a law clerk to the Honorable Irene M. Keeley, Chief Judge of the United States District Court for the Northern District of West Virginia, and in private practice with Robinson & McElwee in Clarksburg, West Virginia. Ms. Morgan obtained her undergraduate degree in Liberal Arts from West Virginia University in 1991 and her law degree from WVU in 1994. She prosecutes a variety of federal criminal cases.

Marvin W. Nichols, Jr.

On December 31, 2001, Mr. Nichols was appointed to his current position as Director of the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration (MSHA). As director, he is responsible for the development, revision, review and publication of all MSHA standards and regulations determined necessary to implement the Federal Mine Safety and Health Act of 1977. In addition, the office processes petitions for variances from safety standards.

In 1999, Mr. Nichols was honored by being selected as the Deputy Assistant Secretary, one of three top positions in MSHA.

In 1991, Mr. Nichols was appointed Administrator for Coal Mine Safety and Health. In that capacity, he was responsible for the implementation of the Mine Act in the Nation's coal mines. Prior to that position, he served as Administrator for Metal and Nonmetal Mine Safety and Health, a post he held for 3 years. He served as the Chief, Division of Health in the Metal and Nonmetal Division prior to being selected as Administrator.

In 1983, Mr. Nichols transferred from an MSHA subdistrict field office where, after progressing through more increasingly responsible positions, he became the subdistrict field office director.

Before joining MSHA, Mr. Nichols worked for 10 years in the mining industry. He holds an M.A. degree from the American University and has been the recipient of many honors, including the prestigious Presidential Rank Award in 1992.

Ann M. Noble

Ann Noble is Associate Regional Solicitor for the U.S. Department of Labor in the Denver, Colorado office.

Jack Powasnik

Jack Powasnik graduated from Gonzaga Law School in 1985, and has been working as an attorney at the U.S. Department of Labor since 1987.

Marco M. Rajkovich, Jr.

Marco M. Rajkovich, Jr. is a member of Wyatt, Tarrant & Combs' Mineral & Energy, International Trade, and Environmental Practice Groups. He also serves as Chair of the Mine Safety Litigation Subgroup. Mr. Rajkovich concentrates his practice in the areas of mineral,

environmental, natural resources and administrative law. He is a Registered Professional Engineer - Mining, a registered Land Surveyor and a Certified Underground Mine Foreman.

Mr. Rajkovich has spoken at various seminars on mineral, energy and environmental law and has published articles on regulatory compliance in various publications. He is co-author of "The Kentucky Environmental Law Handbook," Government Institutes (1991, 1993) and contributor to "The Coal Mining Reference Book" (1997).

In addition to having been appointed by the Governor to the Kentucky Appalachian Regional Task Force, he is Co-Chair of the Justice Committee of the Kentucky Appalachian Advisory Council, a member of the Kentucky Engineering Foundation (Director and Officer), a Trustee of the Energy & Mineral Law Foundation, member of the Kentucky Coal Association Health & Safety Committee, Kentucky Mining Institute, Kentucky Oil & Gas Association, and the Kentucky Society of Professional Engineers (President's Award 1992, 1993, 1994, and 1998). He is also a member of the Fayette County, Kentucky, American and Federal Bar Associations.

Mr. Rajkovich received his B.S.C.E. degree in 1977 and his J.D. degree in 1987 from the University of Kentucky.

Judith Rivlin

Judith Rivlin is the Associate General Counsel of the United Mine Workers of America. She has been with the UMWA, in that capacity, since 1994. Ms. Rivlin is responsible for all of the Union's legal work involving mine safety and health and occupational safety and health. Her legal practice also includes labor-management relations, and internal union affairs. Ms. Rivlin regularly serves as a court-appointed mediator for the Federal District Court in Washington, D.C.

Before joining the United Mine Workers, Ms. Rivlin served as House Counsel to the Sheet Metal Workers International Union. She also worked as an Attorney Advisor at the National Labor Relations Board, and in the Office of the General Counsel of the Occupational Safety & Health Review Commission. Ms. Rivlin received a B.A. with Honors, from Grinnell College in Grinnell, Iowa, and her law degree from Washington University School of Law in St. Louis, Missouri.

Ms. Rivlin's practice regularly involves administrative matters, as well as litigation in state and federal courts.

W. Christian Schumann

Christian Schumann is Counsel for Appellate Litigation in the Mine Safety and Health Division of the Office of the Solicitor of the U.S. Department of Labor. In that position, he supervises all appellate litigation on behalf of the Mine Safety and Health Administration before the Federal Mine Safety and Health Review Commission and the U.S. Courts of Appeals. He was previously an appellate litigator at the National Labor Relations Board and an appellate and district court litigator in the Environmental Defense Section of the Environment and Natural Resources Division of the U.S. Department of Justice. Mr. Schumann received his Bachelor of Arts degree *magna cum laude* from Harvard College and his Juris Doctor degree from Harvard Law School.

Mark E. Skiles

Mark E. Skiles has been the Director of Technical Support in the U.S. Department of Labor's Mine Safety and Health Administration (MSHA) since June 1999. He has 30 years of experience in the mine management with a special emphasis on safety and health. Prior to his

appointment to MSHA, he held several high-level private industry positions including Safety Director for Zeigler Coal Company; Health and Safety Director at Peabody Eastern Coal Company; and General Superintendent at Cumberland Coal Company and Harris Mines.

He holds a degree in mining from Penn State and completed studies at the Wharton School of Business. He is also qualified as a coal mine inspector and completed the course for that certification at MSHA's National Mine Health and Safety Academy in Beckley, West Virginia.

He has written health and safety training manuals, produced safety training videos and has been consulted on critical safety and ventilation problems in the mining industry within the United States and overseas. He is the recipient of several awards for various safety innovations through the years, including the 1997 National Safety and Training Innovator of the Year and the Holmes Safety Association Coal Safety Leader in 1998.

While at MSHA, he was instrumental in the research and testing of high strength glass to protect dozer operators who become entrapped in a surge pile. This endeavor resulted in voluntary compliance by many large coal operators. For example, in 2002, there were three lives saved as a result of this effort. Mark authored an article about the importance of added safety features and encouraging mine operators to be proactive in preventing accidents while working in and around surge piles. The article, "MSHA's Triangle of Success Helps Save Lives" was published in *Coal People Magazine's* March issue. In July 2002, Mark was instrumental in the rescue effort at the Quecreek Mine in Pennsylvania, which resulted in nine miners coming out alive.

Sarah Stewart

Sarah L. Stewart joined the Office of General Counsel of the Federal Mine Safety and Health Review Commission in January of 1990. She is currently serving as Deputy General Counsel for the Commission. During her years with the Commission, Ms. Stewart has been involved in various matters including procedural rule revisions.

Before joining the Commission, Ms. Stewart worked in private practice in Northern Virginia. She received her law degree from the Marshall-Wythe School of Law at the College of William and Mary in 1987. Ms. Stewart received a B.S. degree in nursing from the University of Alabama and worked as a registered nurse.

Thomas A. Stock

Tom Stock is the General Counsel of the Federal Mine Safety and Health Review Commission. Tom succeeded Norm Gleichman as General Counsel in an acting capacity in April of 2002, and became permanent General Counsel last summer when he was sworn in by Chairman Mike Duffy on August 8, 2003.

Tom joined the Commission in September 1996 as a staff attorney, but soon moved on to become counsel to former Chairman Ted Verheggen. From 1991 to 1996, Tom was an associate at the Washington, D.C. law firm Crowell & Moring, where he specialized in environmental and mine safety law. He also was active in pro bono representation of veterans before the U.S. Court of Veterans Appeals and the Department of Veterans Affairs. Tom received his J.D. degree in 1991 from American University, where he was a member of the Law Review. He earned his B.A. degree in English Literature from the College of William and Mary in 1982.

The Honorable Avram Weisberger

Avram Weisberger has been a judge for the Federal Mine Safety and Health Review Commission in Falls Church, Virginia, since 1986. He has previously served as a hearing office chief administrative law judge and U.S. administrative law judge for the Social Security Administration, was a trial attorney for New York State Department of Law and the U.S. Department of Justice and was the director of Neighborhood Legal Services in Springfield, Massachusetts. Judge Weisberger obtained his bachelor's degree from Columbia College and his LL.B. from New York University. He has taught continuing judicial education for five years on the subjects of evaluation of evidence, expert testimony, hearing skills, pre-hearing efficiency, judicial ethics, and the role of administrative law judges. Judge Weisberger is an alumnus of the National Judicial College and joined the NJC faculty in 1998.

Douglas N. White

Doug White is the Associate Regional Solicitor for the United States Department of Labor in Arlington, Virginia, where he supervises trial litigation arising under statutes enforced by the Department of Labor in West Virginia, Virginia, Maryland, and the District of Columbia. He also advises the Department's client agencies on matters arising in the various enforcement activities that are conducted in those jurisdictions. He has been an attorney with the Office of the Solicitor for over 25 years, and he has both trial and appellate court experience.

Prior to his current position, Mr. White spent eight years as a supervisory trial attorney in the Division of Mine Safety and Health, a component of the Solicitor's Office in Washington, D.C. He also served for six years as a supervisory attorney in the Philadelphia Regional Solicitor's Office, where he was responsible for directing litigation related to employment discrimination, minimum wage, overtime, and child labor violations. In addition to his supervisory experience, Mr. White has worked as a trial attorney in the Department of Labor's national and regional offices, where he tried cases in federal district courts and before administrative law judges. He has litigated cases under a wide range of statutes, including the Federal Mine Safety and Health Act, the Occupational Safety and Health Act, the Labor-Management Reporting and Disclosure Act, the Fair Labor Standards Act, the Age Discrimination in Employment Act, and the Equal Pay Act. Mr. White resides in Fairfax, Virginia, and he is a member of the bar in the District of Columbia, Maryland, and Pennsylvania. He received his undergraduate degree from Bucknell University in 1967 and his law degree from the American University in 1972.

The Honorable Michael E. Zielinski

Administrative Law Judge Michael E. Zielinski has been with the Federal Mine Safety and Health Review Commission since August of 1999. He was appointed an ALJ in 1977 and worked for the Social Security Administration in Long Beach, California. A native of Michigan, he obtained a bachelor's degree in Mechanical Engineering from Purdue University and his J.D. from Georgetown University. Following a year's clerkship for a judge on the D.C. Court of Appeals, he joined the District of Columbia's Office of the Corporation Counsel, where he served in various capacities, primarily as a civil litigator and managed the Office's Special Litigation Division.