

**Energy & Mineral Law Foundation  
Mine Safety & Health Special Institute  
March 23-24, 2010**

**About the speakers . . .**

**Derek Baxter**

Derek Baxter is the Accident Investigation Coordinator, SOL's Mine Safety and Health Division. In this role, he helps coordinate SOL's legal response to major mining accidents.

Mr. Baxter is a 1999 cum laude graduate of the New York University School of Law.

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**Keith E. Bell**

Keith is a 1991 graduate and Patricia Roberts Harris Fellow of North Carolina Central University School of Law in Durham, North Carolina. He served as an Assistant District Attorney in Philadelphia, Pennsylvania prior to joining the Department of Labor's Office of the Solicitor in 1994. Currently, he serves as Co-Counsel for Trial Litigation in the Mine Safety and Health Division.

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**Laura E. Beverage**

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

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

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

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

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### **John Caylor**

John Caylor is Vice President, Corporate Occupational Health and Safety for Freeport-McMoRan Copper & Gold in Phoenix, Ariz. He has more than 37 years experience in safety and industrial hygiene, primarily in the mining sector.

John began his employment with Freeport-McMoRan in 1991 as Director, Corporate Safety and Health and has worked for the Company in various capacities relating to safety and health matters, including two years at PT Freeport Indonesia immediately prior to coming to Phoenix in 2009.

John's career has not been limited to private industry. He left Freeport-McMoRan in October 2001 to become Deputy Assistant Secretary of Labor at the Mine Safety and Health Administration, a position he held until February 2004 when he rejoined Freeport-McMoRan.

He began working in the mining industry in 1971 as an underground laborer at Magma Copper Company in San Manuel, Ariz. There he held positions of increasing responsibility in the area of safety and industrial hygiene until his departure in 1980 as Chief Safety Engineer, responsible for the concentrator, smelter, refinery and rod plant.

After leaving Magma Copper Company, John worked in various safety management positions at Anamax Mining Company in Tucson, Ariz, Cyprus Thompson Creek in Challis, Idaho and Cyprus Coal Company in Denver, Colo. prior to joining Freeport-McMoRan.

John received a Bachelor of Science degree in Business Administration from the University of Phoenix and was certified by the Board of Certified Safety Professionals in 1980.

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### **Elizabeth S. Chamberlin**

Elizabeth S. Chamberlin is Vice President of Safety & Training for Massey Energy Company in Julian, West Virginia. In her experience as a litigator, she has been involved in complex civil litigation and administrative law practice before the Federal Mine Health and Safety Review Commission with numerous reported decisions.

Certified as an assistant mine foreman and mine foreman in Pennsylvania, Ms. Chamberlin has held a variety of underground production and safety-related positions with Massey, CONSOL Energy and US Steel Mining Company, with underground production experience starting as a co-op student and concluding as a production foreman.

She is best known for her experience in mine safety and health, as well as regulatory matters relating to coal mine safety and health.

Ms. Chamberlin is an active participant in the National Mining Association and various state coal associations, and on a variety of NIOSH and National Research Council panels. She is also a frequent peer reviewer of NIOSH research publications.

A staunch supporter of mine rescue team activities, participating in the rescue efforts at the QueCreek, Sago and Alma #1 mines, Ms. Chamberlin is an even stronger advocate for proactive safety programs and the development of new technologies to advance health and safety in the mining industry.

Ms. Chamberlin received her J.D. from Duquesne School of Law (Law Review – Managing Editor), an M.B.A. from Waynesburg University, and a B.S. in Mining Engineering from West Virginia University (*Cum Laude*; Tau Beta Pi Engineering Honorary).

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### **Jerold Feldman**

The Honorable Jerold Feldman has served as an Administrative Law Judge with the Federal Mine Safety and Health Review Commission since July 1992. From July, 1991 to July 1992, he was an Administrative Law Judge with the Social Security Administration, Office of Hearings and Appeals. He earned his J.D. from St. John's University School of Law, Jamaica, New York in 1976. He is admitted to practice in New York and the District of Columbia.

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### **Robert (Bob) Glenn**

Robert (Bob) Glenn is a consulting scientist in the Washington office of Crowell & Moring, specializing in scientific litigation support. He works with attorneys in the Litigation Group providing scientific support to product liability and mass toxic tort cases. Bob joined Crowell & Moring in February of 2004 after a distinguished career as a trade association leader and government scientist.

Bob served as President and Chief Executive Officer of the Industrial Minerals Association (IMA-NA) and the National Industrial Sand Association (NISA) for over 15 years. He joined the NISA in 1988 and was elected President in 1992. He, along with leadership from the industrial minerals industry, was instrumental in the founding of the IMA-NA in 2002 to create a trade association to broadly represent the interests of the industrial minerals industry. In 1998 he retired as a commissioned officer in the U.S. Public Health Service where he was Director of the Division of Respiratory Disease Studies of the National Institute for Occupational Safety and Health. In this capacity, he directed a staff of physicians, epidemiologists, industrial hygienists, and biological scientists conducting occupational lung disease research. Bob began his career in the U.S. Army where he served in Vietnam and later was involved in the demilitarization of chemical warfare agents.

As an in-house scientist his scientific expertise and knowledge in industrial hygiene, occupational health and dust-related diseases complement the firm's attorneys practicing product liability and toxic tort litigation. His scientific involvement in complex product liability and

toxic tort cases handled by the Litigation Group brings increased case management efficiency for clients.

His professional training is in the field of industrial hygiene, and he holds a B.S. from Clemson University and the degree of Master of Public Health from the University of Minnesota. He is certified in the comprehensive practice of industrial hygiene by the American Board of Industrial Hygiene. He is a past member of the Editorial Boards of the American Industrial Hygiene Association Journal and Applied Occupational and Environmental Health. He has published articles on dust-related diseases, is often invited to speak at scientific meetings on silicosis prevention, and has served as an adviser to the World Health Organization and the Pan American Health Organization.

Bob earned a M.P.H. from the University of Minnesota and a B.S. from Clemson University.

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### **Edward M. Green**

Edward M. Green is Counsel with the Washington, DC law firm of Crowell & Moring LLP where he specializes in regulatory and legislative matters affecting the mining and natural resources industries. Mr. Green's practice focuses on safety and health matters arising out of the Federal Mine Safety and Health Act of 1977 and the Occupational Safety and Health Act of 1970. He is especially expert on complex occupational health issues relating to respirable dust, diesel particulate matter, silica, other airborne contaminants, occupational noise exposure, and the approval and certification of respirators and mining machinery and equipment.

Mr. Green also advises mining industry and other clients on compliance issues relating to the regulation of explosive materials by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"). He also advises a variety of clients on compliance issues concerning the National Firearms Act and the Gun Control Act, and the complex regulations, which implement those statutes. In addition to his regulatory and legislative practice, Mr. Green counsels non-profit organizations and trade associations. He is general outside counsel to such diverse organizations as the International Cyanide Management Institute and the U.S. Council for Landcare Initiative, Inc.

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

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

Mr. Green has spoken and written extensively on mining topics. He is a past president of the Energy & Mineral Law Foundation, and continues as a trustee of that organization. He received both his BA degree and his JD degree from Boston University under the University's Accelerated Combined Degree Program. Mr. Green is admitted to practice before several U.S. Courts of Appeal and in the District of Columbia.

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### **Mark E. Heath**

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

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

Mr. Heath serves as Secretary for the Energy & Mineral Law Foundation and has been a frequent speaker at Foundation programs on mine safety law, Annual Institutes and Mineral Law Conferences.

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

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

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### **Michael T. Heenan**

Michael T. Heenan, a Shareholder in Ogletree, Deakins, Nash, Smoak & Stewart, P.C., focuses his practice on governmental investigations, inspections, audits, and related litigation, particularly with respect to mine safety and occupational safety and health. He counsels companies on preventing problems in the workplace. He represents management in federal and state accident investigations and special investigations into possible violations of federal or state civil and criminal laws. He also represents companies in litigation related to governmental enforcement actions.

Mr. Heenan represents mines, manufacturers and other companies with respect to safety compliance and governmental approval and certification issues. He represents companies before the Department of Labor, the Occupational Safety and Health Administration, the

National Institutes of Occupational Safety and Health, the Mine Safety and Health Administration, and related adjudicatory bodies.

Michael Heenan is a much published author of books and articles. His books include *MSHA – The Mine Operator and the Law* (MineWorks Media, 2003); *Safety and Health at Mines, A Manual for Operators and Contractors* (Advanstar, 1999) and *Understanding MSHA* (McGraw Hill, 1981). He is also a contributing author to various books and treatises including *Occupational Safety and Health Law Handbook* (Government Institutes, 2001); *Mine Health and Safety Management* (SME, 2001); *New York Environmental Law Manual* (RIA, 1996); *Workplace Safety and Health* (Clark Boardman, 1995); *Kentucky Mineral Law Manual* (Banks Baldwin, 1995) and *Coal Law and Regulation* (Matthew Bender, 1983). He is a regular speaker before trade, professional and safety organizations around the country. He is also Legal Editor of the trade journal *Pit & Quarry*.

After serving as a Lieutenant in the U.S. Navy, Michael Heenan entered federal legal service in 1971. He became involved with mining laws and safety and health requirements as a trial attorney with the U.S. Department of the Interior. He joined Ogletree Deakins after twenty-two years with the firm of Heenan, Althen & Roles, which he co-founded.

With a law practice that is focused on federal law, Mr. Heenan represents clients throughout the United States. He has been lead counsel in numerous precedent setting cases. He is a trustee of the Energy and Mineral Law Foundation and he is on the Council of Counsel of the National Stone Sand and Gravel Association. He is listed in *Who's Who in American Law* and *The Best Lawyers in America*.

He earned his J.D. from the University Pittsburgh School of Law in 1967 and his B.S. from Mount Saint Mary's College in 1964.

He is admitted to practice in the State of Pennsylvania, District of Columbia, United States Supreme Court, and various federal trial and appellate courts.

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### **Mary Lucille Jordan**

Mary Lucille Jordan, has served as the Chairman of the Federal Mine Safety and Health Review Commission from August 2009 to the present. She was also Chairman from 1994-2001. Ms. Jordan was a Commissioner from 2001 to 2002 and then again from 2003 to 2009. Prior to serving on the Commission, she was a Senior Staff Attorney for the United Mine Workers of American from 1977 to 1994.

Ms. Jordan received her J.D. from Antioch School of Law in 1976 and her B.A. from St. Bonaventure University (*Cum Laude*) in 1971. She also attended Hull University in England, N.Y.

She is a member of the State of New York Bar and the District of Columbia Bar.

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### **Melanie J. Kilpatrick**

Melanie Kilpatrick is a partner in the law firm of Rajkovich, Williams, Kilpatrick & True, PLLC in Lexington, Kentucky. She practices in the areas of mineral and energy, employment law, and commercial litigation. She has authored articles and given presentations on topics of interest in the mineral and energy and employment law fields. She is experienced in arguing appellate cases before the United States Court of Appeals, the Kentucky Court of Appeals and the Federal Mine Safety and Health Review Commission. Ms. Kilpatrick has been admitted to practice before the Kentucky Supreme Court, the United States District Court for the Eastern District of Kentucky, and the United States Court of Appeals for the Fifth, Sixth and D.C. Circuits. She is a member of the Lexington Chamber of Commerce's 2005-06 class of Leadership Lexington. She is a member of the Fayette County, Kentucky, Federal and American Bar Associations. Ms. Kilpatrick has served on the Scholarship Committee of the Energy & Mineral Law Foundation.

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

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### **Joseph A. Lamonica**

Joseph A. LaMonica has been a Consultant to the Bituminous Coal Operators' Association, Inc. since 1999. He has had years of experience in the area of health and safety with the coal industry. From 1994 to 1999 he was Vice President – Health, Safety & Training for the the Bituminous Coal Operators' Association in Washington, DC. From 1986 to 1994, he served as Corporate Director – Health, Safety & Risk Engineering for Island Creek Coal Company in Lexington, KY.

Joe worked many years for the U.S. Department of Labor . He was the Administrator for Coal Mine Safety & Health, Senior Executive Service in Washington, DC from 1980 to 1986. From 1963 until 1980, he served in the following capacities for the U.S. Department of Labor and the U.S. Department of Interior in Washington, DC and Pittsburgh, PA: Chief of Health Division for Coal Mine Safety & Health; Chief of Noise Group, Technical Support, Bureau of Mines; Respirable Dust Group, Technical Support, Bureau of Mines; Respirator Approval Lab, Bureau of Mines.

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### **Robert J. Lesnick**

Judge Robert J. Lesnick has served as the Chief Judge of the Federal Mine Safety and Health Review Commission since August 25, 2003.

Judge Lesnick was born in Uniontown, Pennsylvania, and graduated from All Saints School and Kolb Memorial High School in Masontown, Pennsylvania. He earned a B.A. in economics from St. Vincent College in Latrobe, graduating *summa cum laude* in 1974. He received his juris doctorate from the University of Virginia School of Law in 1977.

Judge Lesnick began private law practice as a corporate tax attorney with the firm of Smith, Gill, Fisher & Butts in Kansas City, Missouri, representing such clients as H & R Block and Universal Press Syndicate. Beginning his Federal service in 1979, he served with the Department of Labor Office of the Solicitor, in Kansas City, Denver, and Washington, DC, representing the Department on various issues including discrimination, labor, and mine safety and health matters. From 1990-94 he was a Special Trial Counsel with the Treasury Department during the Savings and Loan Crisis.

Judge Lesnick was first appointed as a United States Administrative Law Judge in 1994. Judge Lesnick served for four years as Chief Judge of the Pittsburgh Hearing Office for the Social Security Administration. From 1999 to 2003 he served with the U.S. Department of Labor's Pittsburgh, Pennsylvania hearing office.

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### **Margaret S. Lopez**

Ms. Lopez' practice is concentrated in occupational safety and health, non-profit associations, employment law and employee benefits.

Ms. Lopez represents employers in federal court cases concerning employment issues and ERISA benefit plan obligations. 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.

Ms. Lopez is admitted to practice in the state of Maryland and the District of Columbia.

She is a member of the American Society of Association Executives, Society for Human Resources Management, Maryland State Bar Association, District of Columbia Bar Association, and the American Bar Association.

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### **Joseph A. Main**

Joseph A. (Joe) Main was nominated by President Barack Obama as Assistant Secretary of Labor for Mine Safety and Health (MSHA). He was confirmed by the Senate on October 21, 2009.

Mr. Main is an internationally recognized expert in mine health and safety issues. For more than 40 years, he has worked to improve every aspect of miner health and safety, both in the United States and internationally.

Born in Waynesburg, PA, Mr. Main is a native of Greene County, Pa. He began working at coal mines in 1967 and quickly became an advocate for miner's safety and health.

He was hired by the United Mine Workers of America (UMWA) in 1974 to be an Assistant to the International President. In 1976, he joined the Safety Division of the UMWA, serving as Safety Inspector, Administrative Assistant and Deputy Director.

In 1982 he was appointed Administrator of the UMWA Occupational Health and Safety Department, a position he held for 22 years. In that position, Mr. Main managed the international health and safety program of the UMWA. He has served on a number of federal advisory committees, joint labor / management committees, mining industry partnerships and international tripartite committees relating to mine safety.

Mr. Main has extensive hands-on experience inspecting and evaluating mining conditions, plans and systems and has been involved in a number of mine emergencies and accident investigations. Before he accepted President Obama's nomination, Mr. Main worked as a mine safety consultant. His recent work focused on research and analysis on prevention of mine accidents and disasters, development of training programs and facilities to prepare miners, rescue teams and emergency responders for mine emergencies, and international mine safety issues.

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### **Richard W. Manning**

Richard W. Manning is an administrative law judge with the Federal Mine Safety and Health Review Commission in Denver, Colorado. He received his Bachelor of Arts degree in Economics from the University of North Carolina at Chapel Hill and his Juris Doctor from the University of Maryland School of Law in Baltimore.

Judge Manning's career has involved legal issues concerning the mining industry since 1974. He first worked as a law clerk with an administrative law judge at the Office of Hearings and Appeals of the Department of the Interior under the Coal Mine Health and Safety Act of 1969. After a short stint at the U.S. Department of Energy, Judge Manning became an attorney with the Climax Molybdenum Company, which was a division of AMAX Inc., in Golden, Colorado. Among other responsibilities, he oversaw the company's legal response to the Mine Safety and Health Act of 1977 and he litigated a number of cases before Commission administrative law judges. He subsequently became a senior attorney with AMAX at the company's headquarters in the New York area, where he handled a wide range of corporate legal matters. Judge Manning began working for the Federal Mine Safety and Health Review Commission in 1987, first as counsel to former Commissioner Lastowka and then as Deputy General Counsel. He has served as an administrative law judge with the Commission since 1994.

Judge Manning is admitted to practice law in Maryland, Colorado, and the District of Colorado. He is an active member of the Federal Administrative Law Judges' Conference and the Forum of Administrative Law Judges. He has given presentations at numerous programs on mine safety and health issues.

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### **Gary D. McCollum**

Gary D. McCollum has served as Corporate Counsel for Alliance Coal, LLC since August 2008. Mr. McCollum manages, litigates and formulates strategies on issues involving administrative, regulatory and employment law and affecting Alliance Coal's mining operations throughout Northern Appalachia, Central Appalachia, and the Illinois Basin.

Before joining Alliance Coal, Mr. McCollum served as Corporate Litigation Counsel for the Family Dollar Stores, Inc., a Fortune 500 retailer. Mr. McCollum was responsible for managing Family Dollar's litigation in all administrative, commercial, intellectual property and real estate matters for Family Dollar's forty-four state operating area. Prior to working in-house, Mr. McCollum's legal practice focused primarily on construction and public utilities defense.

In 2000, Mr. McCollum graduated summa cum laude from the University of Kentucky with a B.B.A. in Marketing, with a second major in Political Science. In 2003, he obtained a J.D. from The George Washington University Law School, where he served as a member of The George Washington University International Law Review.

Mr. McCollum is licensed to practice law in North Carolina and Kentucky and admitted to practice in the United States Courts of Appeal for the Fourth, Sixth and Seventh Circuits, and the United States District Courts for the Western Districts of North Carolina and Kentucky.

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### **Thomas C. Means**

Thomas C. ("Tim") Means joined Crowell & Moring LLP in 1978 and is a partner in the firm's Natural Resources & Environmental Group. Mr. Means is a Phi Beta Kappa graduate of Dartmouth College. He has a Masters in Public Administration from the University of Colorado and 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.

Tim's practice focuses on judicial review of agency action and appellate advocacy, 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. He regularly represents mine operators, mine supervisors, mining equipment manufacturers, and trade associations in MSHA and SMCRA matters, including MSHA special investigations seeking to impose civil and criminal liability, MSHA discrimination complaints, and enforcement defense litigation challenging improper MSHA citations and orders and excessive civil penalties, as well as in litigation challenging unlawful MSHA and OSM regulations and related regulatory actions.

Tim is listed as one of *The Best Lawyers in America*. He is a Trustee and Past President of the Energy & Mineral Law Foundation and continues to serve on the Foundation's Editorial Board and its Scholarship Committee. He is a member of the Bar of the District of Columbia, and is admitted to practice before most of the United States Courts of Appeals and the United States Supreme Court.

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**R. Henry Moore**

R. Henry ("Hank") Moore is a Member of Jackson Kelly PLLC and is the Manager of the Firm's Pittsburgh, Pennsylvania Office.

Mr. Moore is a member of the Firm's nationwide Occupational Safety and Health Practice Group. His practice is primarily concentrated in the areas of compliance counseling, litigation of civil and criminal enforcement matters, accident investigation and discrimination claims under both state and federal statutory provisions. His career in occupational safety and health law commenced in 1978, and he has counseled clients in a variety of industries including coal mining, metal and nonmetal mining, stone, sand and gravel operations. In addition, his practice extends to labor and employment issues, including representing employers in investigations by the U.S. Department of Labor and in litigation under the various federal whistleblower statutes.

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

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**Kenneth Murray**

Kenny Murray is the Vice President of Operations for Alliance Coal, located in Lexington, Kentucky. Mr. Murray began his mining career in 1974 in southwestern Pennsylvania; he held several supervisory positions within the coal industry prior to joining the Mine Safety and Health Administration in 1992.

Mr. Murray worked in MSHA's Districts 2, 5, and 6 as well as the Headquarters office in Arlington, Virginia. He held several supervisory positions within MSHA, including Field Office Supervisor, Assistant District Manager, District Manager, Special Assistant to the Administrator, and Deputy Administrator for Coal Mine Safety and Health. Kenny served as MSHA's Team Leader for the Aracoma Alma Mine #1 accident investigation. Kenny has been in his current position with Alliance Coal for approximately 2 ½ years.

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**Dennis B. O'Dell**

Dennis Bryan O'Dell, the Administrator for Occupational Health and Safety for the United Mine Workers of America since 2005, is responsible for overseeing all UMWA Health and Safety operations for coal and non-coal members in the United States and Canada. He serves as Chairman representing the UMWA on the Joint Industry Committee between the United Mine Workers of America and the National Bituminous Coal Operators Association (UMWA/BCOA Health and Safety Committee) and as chairman on Joint Industry UMWA/BCOA Training Committee. He is a classroom instructor for the training of miners at the National Mine Academy of Beckley and an instructor for the Joint Industry Training classes as provided by the agreement of the National Bituminous Coal wage agreement. He is an active member and participant of the Black Lung Association. Mr. O'Dell was appointed to the National Institute for Occupational Safety and Health Mine Safety and Health Research Advisory Committee in 2006.

Mr. O'Dell worked with members of the U.S. Congress and the U.S. Senate to author/write the Mine Improvement and New Emergency Response Act of 2006, also known as the MINER Act, which was signed by President George W. Bush on June 15, 2006. This legislation, the most significant mine safety legislation in 30 years, amends the Mine Safety and Health Act of 1977 and contains a number of provisions to improve safety and health in America's mines.

From 1995 to 2004, Mr. O'Dell was the International Health and Safety Representative for the UMWA in Fairmont, West Virginia. In that capacity, he was responsible for representing coal and non-coal members in the United States and Canada but primarily in West Virginia, Ohio, Pennsylvania, Maryland, and New York on various health and safety issues. He represented approximately 100,000 plus members, active and retired.

From 1993 to 1995, Mr. O'Dell worked for Consolidation Coal Company's Robinson Run Mine #95 and was the UMWA local union representative.

Mr. O'Dell attended Fairmont State College and West Virginia Wesleyan College. He has 600 hours of training in underground and surface coal mining. He has earned the following certifications: West Virginia Underground Certification; West Virginia Assistant Mine Foreman Certification; West Virginia Mine Foreman Certification; West Virginia Surface Blasters Certification; and West Virginia Shot Fireman's Certification.

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### **Alan G. Paez**

Alan G. Paez is an administrative law judge with the Federal Mine Safety and Health Review Commission in Washington, D.C. He received his Bachelor of Science degree in Industrial & Labor Relations from Cornell University in Ithaca, N.Y., and his Juris Doctor degree from Georgetown University Law Center in Washington, D.C.

Judge Paez has spent his legal career practicing labor law with a focus on worker safety and health. Beginning in 1991, he worked for over 14 years in the Office of the Solicitor at the U.S. Department of Labor in various positions as an appellate attorney, trial litigator, attorney-advisor, and Assistant Counsel, earning six Exceptional Achievement Awards. During his tenure, he litigated cases under various statutes, including Title IV of the Federal Coal Mine Health and Safety Act of 1969 and the Federal Mine Safety and Health Act of 1977. Judge Paez subsequently worked as Supervisory Counsel at the Occupational Safety and Health Review Commission for two and a half years, managing the staff in the Office of the General

Counsel and earning two Chairman's Special Act Awards. In 2008 he was appointed an administrative law judge with the Social Security Administration in Milwaukee, Wisconsin. He has served with the Commission since July 2009.

Judge Paez is admitted to practice law in Connecticut, the District of Columbia, and Oregon. He is a member of both the Federal Administrative Law Judges Conference and the Judicial Division of the American Bar Association and was previously a member of the Association of Administrative Law Judges. He currently serves as President of the Forum of U.S. Administrative Law Judges.

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### **Thomas A. Paige**

Tom Paige is one of two Co-Counselors for Trial Litigation in the Mine Safety and Health Division of the Solicitor's Office, U.S. Department of Labor. Tom began his career with Labor in 1995 in the Dallas Solicitor's Office, prosecuting cases under the Mine Act, the OSH Act, ERISA and the Fair Labor Standards Act. Tom came to the Division in January 2008. Tom is a member of the Texas Bar.

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### **Willa B. Perlmutter**

Willa B. Perlmutter is counsel with the Washington, D.C. law firm of Crowell & Moring LLP, where she focuses her practice on administrative enforcement, as well as other regulatory and legislative issues that impact the mining industry. Willa counsels clients on safety and health matters arising from the Federal Mine Safety and Health Act of 1977 and the Occupational Safety and Health Act of 1970. She regularly defends companies and individuals facing investigations for alleged safety and health violations, both in mining and in general industry, whether those enforcement actions result from a catastrophic event, such as an accident, or in the course of a regular inspection by the Mine Safety and Health Administration (MSHA) or the Occupational Safety and Health Administration (OSHA). Willa has defended many whistleblower cases under both the Mine Act and the OSH Act. She provides advice on regulatory compliance to her clients in a wide range of mining and industrial contexts.

Willa has extensive litigation experience in a number of state and federal courts. She has occupied the first chair at trial in numerous cases before both judges and juries, and she has also taught trial skills to mine professionals to enable them to obtain successful results under MSHA's Alternative Case Resolution Initiative.

Willa also regularly conducts training seminars for mine operators and others, in which she focuses on how to anticipate and reduce civil and criminal liability risks by responding appropriately to inspections, investigations and catastrophic events. She has also spoken and written extensively on a variety of subjects related to the Mine Act and the OSH Act.

Prior to joining Crowell & Moring, Willa was Counsel with another major law firm in Washington D.C. There, she also concentrated her practice on mine safety and industrial safety. She has been the lead or second counsel in a number of high-profile accident and fatality investigations. At her prior firm, she also served as pro bono counsel from 2002 to 2008. In that capacity she

was responsible for supervising and mentoring junior lawyers who were engaged in litigation on behalf of the firm's *pro bono* clients.

Willa received her A.B. in history and politics from Mount Holyoke College and her J.D. from the University of Connecticut School of Law. In law school, she served as a member of the Connecticut Moot Court Board. In both college and law school, Willa was selected by her peers as class commencement speaker. She is admitted to practice before the courts of the District of Columbia, Alaska and Connecticut and the United States Supreme Court.

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### **Jeffrey K. Phillips**

Jeff Phillips has concentrated his practice in complex litigation for more than fifteen years focusing in the defense of energy companies on issues such as deliberate intent, personal injury, and MSHA regulations. He has tried 45 cases to verdict in both federal and state courts and has been involved in appellate proceedings. He is the Managing Member of the firm's Lexington, Kentucky office.

Jeff received his B.S. degree from Point Park College and J.D. from the University of Pittsburgh. He is admitted to the bars of Kentucky, Pennsylvania, and West Virginia. He has been with Steptoe & Johnson since 1991 and holds memberships with the Energy & Mineral Law Foundation, the West Virginia Coal Association, and the Kentucky Coal Association. Jeff has been named in *The Best Lawyers in America*®, *Super Lawyers*®, and *Chambers USA America's Leading Lawyers for Business*.

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### **Marco M. Rajkovich, Jr.**

Marco Rajkovich is a member of the Lexington, Kentucky law firm of Rajkovich, Williams, Kilpatrick & True, PLLC and concentrates his practice in the areas of mine safety and health, mineral and energy and administrative law. He is a Licensed Professional Engineer – Mining, a Licensed Professional Land Surveyor and Certified Underground Mine Foreman in Kentucky. Prior to his law career, he was with U.S. Steel Mining Company, Inc. serving in various positions in engineering as well as production.

Marco is a 1977 graduate of the University of Kentucky College of Engineering where he earned a Bachelor of Science degree in Civil Engineering with the Mining Option and was a member of Chi Epsilon Civil Engineering Honorary. He is a 1987 graduate of the University of Kentucky College of Law where he was a member of the Journal of Mineral Law & Policy.

Marco is an author and frequent speaker at various mining industry conventions, meetings and seminars and a guest lecturer at the University of Kentucky College of Engineering, College of Law and the Chase Law School of Northern Kentucky. He is a contributor to *The Coal Mining Reference Book* (1997) and co-author of *The Kentucky Environmental Law Handbook, Government Institutes* (1991, 1993). Marco is authorized by the Kentucky Board of Licensure of Professional Engineers and Land Surveyors as an instructor on ethics and minimum technical standards and has given national presentations on ethics for the National Society of Professional Engineers.

Throughout his career, Marco has been involved in representation of mining and land-holding companies in several mine explosions, disasters, major accident litigation and mineral law issues in both federal and Kentucky state courts, and administrative tribunals, some of which have gained national prominence. He has argued cases in front of the Federal Mine Safety and Health Review Commission and the Court of Appeals of Kentucky.

Marco has served as an officer and director of the Kentucky Engineering Foundation, a member of the Executive Committee and Trustee of the Energy & Mineral Law Foundation, Co-Chair of the Justice Committee of the Kentucky Appalachian Advisory Council, Chair of the Governance Committee and member of the Financial Council for the Catholic Diocese of Lexington, a lifetime appointee as Defender of the Bond for the Tribunal of the Catholic Diocese of Lexington, Kentucky, Assistant Section Director of Regnum Christi, Emeritus Member of Legatus, director of Thy Kingdom Come Network, six-time recipient of the President's Award for the Kentucky Society of Professional Engineers, Chair of the Professional Engineers in Mining Practice Group of KSPE, named in *Best Lawyers in America*, member of the Kentucky Geological Survey Advisory Board, the NRCC Business Advisory Council 2005 Honorary Chairman for Kentucky, the NRCC 2005 Business Man of the Year, a Kentucky Bar Association Lifetime Fellow, and a member of several national, state and local mining industry organizations.

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### **Judith Rivlin**

Judith Rivlin is the Associate General Counsel of the United Mine Workers of America. She has served in that capacity, since 1994. At the UMWA, Ms. Rivlin is responsible for the Union's legal work involving mine safety and health and occupational safety and health. In addition to health and safety law, her practice focuses on a wide range of issues arising in labor-management relations, as well as internal union affairs. Ms. Rivlin also serves as a court-appointed mediator for the Federal District Court in Washington, D.C.; she was awarded the highest AAV@ rating through Martindale-Hubbell.

Before joining the United Mine Workers, Ms. Rivlin served as House Counsel to the Sheet Metal Workers International Union. She previously worked as an Attorney Advisor at the National Labor Relations Board, and within 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. She is licensed to practice in the District of Columbia and the Commonwealth of Virginia.

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Tom has more than 27 years of experience as a coal lawyer with both substantial in-house and private practice experience representing public and private operating and land holding companies. He is skilled in all legal and business matters pertaining to the coal industry, including transactions, mergers and acquisitions, coal sales, mine safety and health, and lease, sublease, operating and contract mining agreements. He is an experienced arbitrator for coal and commercial disputes. In addition, he has provided preventative counsel and representation to county boards of education in administrative and appellate litigation, including appearances before the West Virginia Supreme Court of Appeals. He is also experienced with issues pertaining to oil and gas and coalbed methane leases. He also provides preventative counsel and services to large and small health care providers, including labor and employment, commercial and collection issues. Tom is a past Trustee for the EMLF and has presented papers at both special institutes as well as the 20<sup>th</sup> annual institute. He earned his B.A. (Mathematics) *magna cum laude* from West Virginia University and is an Order of the Coif graduate of the West Virginia University College of Law. He is admitted to practice in West Virginia and Virginia and has been listed in *The Best Lawyers in America*® since 2007 in Natural Resources.

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Heidi Strassler graduated with a Bachelor of Arts Degree with Honors from the University of Maryland, and received a Juris Doctor degree from Temple University School of Law. She has been admitted to practice law in West Virginia, Pennsylvania and Maryland.

After law school, Mrs. Strassler worked with the West Virginia Legal Services Plan, Inc. where she did trial and appellate work in Huntington and Charleston, West Virginia. Since joining the Office of the Solicitor in the Department of Labor, she has worked in the Mine Safety and Health Division. She has been serving as Acting Associate Solicitor for the Mine Safety and Health Division, since May, 2009.

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Gregory R. Wagner, M.D., serves as Deputy Assistant Secretary for Mine Safety and Health in the US Department of Labor. A graduate of Harvard College and Albert Einstein College of

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Ed is a member of the appellate practice section in the Mine Safety and Health Division of the Solicitor of Labor's Office at the U.S. Department of Labor. He litigates appeals arising under the Federal Mine Safety and Health Act before the Federal Mine Safety and Health Review Commission and the U.S. Courts of Appeal. Prior to joining the Division in 2008, Ed served for two years in the Solicitor's Management and Administrative Legal Services Division, where he litigated FOIA and Privacy Act cases in federal district courts, coordinated the Department of Labor's responses to third-party subpoenas nationwide, and served as Acting Counsel for Appropriations.

From 2002-2006, Ed served as the Counsel for Enforcement in the Solicitor's Black Lung & Longshore Legal Services Division, where his practice focused on debt collection and bankruptcy. For the twelve years preceding that, Ed served that Division as an appellate attorney litigating appeals arising under the Black Lung Benefits Act before the Benefits Review Board and the U.S. Courts of Appeal. Ed also served as an attorney-advisor and subsequently as a Deputy Assistant Chief Counsel at the Benefits Review Board from 1987-1990. Ed began his legal career in 1985 with a small asbestos litigation firm in New York City, here his practice focused on workers' compensation.

Ed is a member of the Solicitor's Bankruptcy Committee, and has served on the Solicitor's E-Government Committee and the Solicitor's Communications Committee. He has a B.A. in English from the State University of New York at Binghamton and a J.D. from the Boston University School of Law. He is a member of the New York bar.

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### **Brian J. Warner**

Mr. Warner is a 2003 graduate of the West Virginia University College of Law and is a partner with the law firm of Shuman, McCuskey & Slicer, PLLC. Mr. Warner's primary areas of practice are general defense litigation and mine safety and health law. Mr. Warner has successfully represented numerous coal operators in disputes with MSHA and the West Virginia Office of Miners Health, Safety & Training. He advises mine operators and their employees as to their obligations under federal and state law and has represented companies, officers, and supervisors in defense of charges of violations, penalties and investigations by government agencies. He also counsels clients on preventive measures and effective procedures for ensuring compliance and avoiding violations.

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**Bruce H. Watzman**

Bruce Watzman is National Mining Association's Senior Vice President for Regulatory Affairs. He previously served as the NMA's Vice President for Safety, Health and Human Resources where he was responsible for developing NMA's policy positions on these matters when pending both before the Congress and the respective governmental agencies. His responsibilities also include working with member companies on the design of safety and health programs for use in the mines and with federal and state regulators on the management of safety and health programs.

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.

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.

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