

**Energy & Mineral Law Foundation
32nd Kentucky Mineral Law Conference
October 18-19, 2007**

About the speakers . . .

Stephen G. Allen, Program Chairman

Steve Allen is an attorney with Stites & Harbison, PLLC in Lexington, Kentucky. Stephen is also a licensed professional engineer in Kentucky and Pennsylvania, and has more than 20 years combined experience in the operations and environmental impact of coal mining in Appalachia. Stephen's practice is focused on the legal and environmental aspects of coal mining, including mineral property transactions, environmental compliance and reclamation surety bonds. He has extensive administrative trial experience in mining related cases and has practiced before numerous administrative tribunals including the Department of Interior's Board of Land Appeals, the Pennsylvania Environmental Hearing Board, the Kansas Department of Health & Environment, the Indiana Natural Resources Commission, the West Virginia Surface Mining Board and the Kentucky Environmental and Public Protection Cabinet. Stephen also counsels clients on environmentally sensitive business transactions.

Stephen received his B.S. degree in Mining Engineering from the University of Kentucky College of Engineering in 1980 and his J.D. degree, with distinction, from the University of Kentucky College of Law in 1989. He is a two-time recipient of the Surface Mining Control & Reclamation Act Title III Research Fellowship (1980 and 1989). He is a member of the Order of the Coif and was Managing Editor of the *Journal of Mineral Law & Policy* in 1988-89. He is a past recipient of an Energy & Mineral Law Foundation Scholarship and Writing Award (1988-89).

Stephen is a member of the American, Kentucky, Fayette County and Philadelphia Bar Associations. As a member of the Kentucky Bar Association, he was the Chairman of the Natural Resources Law Section. He is also a member of the Society for Mining, Metallurgy and Exploration (SME), the National Society of Professional Engineers (NSPE), the Kentucky Society of Professional Engineers (KSPE), and a member of that Association's Professional Engineers in Mining (PEM) Section. Steve is a member of the Board of Trustees for the Energy & Mineral Law Foundation. He is admitted to practice before the United States Courts of Appeals for the Third and Sixth Circuits, the United States District Courts for the Eastern and Western Districts of Kentucky and the Eastern District of Pennsylvania, and the Supreme Courts of Kentucky and Pennsylvania.

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Robert J. Beatty, Jr.

Robert H. Beatty, Jr., is a former coal miner with ten years of underground mining experience. Mr. Beatty received his law degree from the West Virginia University College of Law in 1993. During his career in the mine safety and health area, Mr. Beatty served as General Counsel for the West Virginia Office of Miners' Health Safety and Training, and most recently served nearly seven years as a member of the Federal Mine Safety and Health Review Commission in Washington, D.C. Mr. Beatty is currently a Partner in the Morgantown, West Virginia office of Dinsmore & Shohl, LLP where his practice focuses on providing consulting and legal representation for mine operators in matters involving federal and state regulatory actions.

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Kathy G. Beckett

Kathy G. Beckett has been practicing in the area of environmental law since graduating from West Virginia University College of Law in 1988. She holds an undergraduate degree in English

from the University of Kentucky where she was named to Phi Beta Kappa in 1985. After a number of years of practice with another firm, Ms. Beckett joined Jackson Kelly PLLC in 1997.

Ms. Beckett's practice has always focused upon the representation of members of the business community on environmental matters. She has experience in state and federal regulatory advocacy in each of the primary environmental programs. Ms. Beckett has been intimately involved in both statutory and regulatory program developments on both a state and federal level. She has participated in the drafting of numerous regulatory and statutory environmental provisions for the state of West Virginia. Ms. Beckett has experience in federal appellate litigation with an emphasis upon review of federal agency rulemakings.

Ms. Beckett is an active member of the Section of Environment, Energy and Resources of the American Bar Association. She is a member of the bar for both the states of West Virginia and Kentucky. She is a member of the West Virginia Chamber of Commerce, Environmental Committee. Ms. Beckett also serves as a member of the West Virginia Waste Roundtable. She participates on the Steering Committee of the Recycling Coalition of WV, Inc.

Ms. Beckett is admitted to practice in both Kentucky and West Virginia, as well as in the United States District Court for the Southern District of West Virginia, the United States Court of Appeals, D.C. Circuit and the United States Court of Appeals, Fourth Circuit. She has been admitted to the Supreme Court of Kentucky and the West Virginia Supreme Court of Appeals.

She has lectured at numerous environmental and government relations programs in West Virginia and Kentucky and has written many articles for *American Oil & Gas Reporter*. Other articles authored by Ms. Beckett include "Consolidated Environmental Regulation in West Virginia," 97. *W. Va. L. Rev.* 401 (1995); "The Storm Water Regulatory Scheme: Washing an Industry Down the Drain?" 10 *J. Nat. Resources & Env'tl. Law* 307 (1994); and "Abandoned Well Initiatives: An Examination of Recently Enacted Legislation in the Eastern United States," 14 *Eastern Min. L. Inst.* 20 (1993).

Ms. Beckett is a member of the West Virginia State Bar Association, the Kentucky Bar Association, the American Bar Association (Natural Resources Section), the West Virginia Chamber of Commerce (Environmental Committee), the West Virginia Whitewater Commission, and the Energy & Mineral Law Foundation.

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Cameron S. Bell

Cameron S. Bell is an associate in the Abingdon, Virginia office of Penn Stuart & Eskridge. Cam is a 1995 graduate of the McIntire School of Commerce at the University of Virginia. He received his J.D., magna cum laude, from the University of Tennessee College of Law in 2001, where he was Student Materials Editor of the *Tennessee Law Review*. He served as law clerk to the Hon. James P. Jones in the United States District Court for the Western District of Virginia in 2001-2002. At PennStuart, Cam focuses his practice on civil litigation, including energy and timber litigation.

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Martin J. Cunningham, III

Martin Cunningham is a member of Greenebaum Doll and McDonald PLLC and is a resident in the firm's Lexington, Kentucky office. Prior to entering private practice, Mr. Cunningham served with the Kentucky Environmental and Public Protection Cabinet. Mr. Cunningham, while employed by the Kentucky Cabinet, headed the state's Surface Mining Legal Branch and

supervised all of the legal matters pertaining to the environmental effects of coal mining in Kentucky.

Mr. Cunningham represents his mining clients in a variety of matters including compliance issues, regulatory matters, environmental matters, property issues, MSHA/state safety matters, and acquisitions and divestures. He is a member of the environmental committee of the Kentucky Coal Association, member of the Natural Resources Law Section of the Kentucky Bar Association and is listed in The Best Lawyers in America.

Martin received his B.S from Eastern Kentucky University and his J.D. from Salmon P. Chase College of Law in 1980. Martin is admitted to the practice in Kentucky, as well as in the United States District Court, Western District of Kentucky and the United States District Court, Eastern District of Kentucky.

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Robert I. Cusick

Robert I. (Ric) Cusick was nominated by President Bush in February 2006 to become the Director of the United States Office of Government Ethics and was confirmed by the Senate in that position on May 26, 2006. He will serve a five-year statutory term as Director of the office, which has responsibility for ethics laws and policy in the executive branch of the Federal Government. The office has the authority to issue formal opinions in ethics matters, to review the ethics programs in all departments of the Federal Government, to assist federal agencies in achieving ethical compliance and to work with other nations in treaty matters affecting government corruption.

Mr. Cusick received his Bachelor's degree from the University of Louisville in 1965 and his Juris Doctor degree from that University's Brandeis School of Law in 1968. He was the editor-in-chief of the law journal there. He began his legal career as a Navy JAG officer, working first in the headquarters office of the Judge Advocate General and later at sea as the Legal Officer of the attack aircraft carrier, USS AMERICA (CVA-66). He returned to Louisville, Kentucky, his home, in 1972, but remained affiliated with the Naval Reserve and retired as a Captain in 1998, after serving in Washington, Annapolis, and Iceland.

Mr. Cusick's legal career as a civilian was with Wyatt, Tarrant & Combs, LLP, a large multi-state firm, for over thirty-three years. He retired as a partner in the firm upon confirmation by the Senate. His practice was concentrated in ethics, mining litigation, and corporate criminal law, and he became recognized for his work in both ethics law and underground mine explosions. He was Partner-in-Charge of Ethics Counseling for the law firm for many years and was prominent in both legal and public officer ethics in Kentucky. He was the chairman of the Jefferson County (Louisville) Ethics Commission and of bar association groups which drafted ethics regulations. He received the Distinguished Service Award from the Kentucky Bar Association and the Outstanding Alumnus Award from the Brandeis School of Law. He was a member of the Kentucky Bar Association Board of Governors and the Kentucky Board of Bar Examiners.

Mr. Cusick is a member of the American Bar Association Center for Professional Responsibility and is a Fellow of the American Bar Foundation.

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Michael S. Dingman

Michael's practice with Reed Smith in Falls Church, Virginia focuses on commercial civil litigation, in both federal and state courts, with substantial experience in construction-related litigation,

condemnation cases, easement disputes, and in business-related litigation such as breach of contract, fraud and related unfair competition torts. He has experience in defense of employment discrimination actions, landlord/tenant litigation, personal injury litigation, and land-use related litigation such as partition suits. He also has significant experience in drafting and reviewing construction and architect contracts for substantial commercial projects such as office buildings, hospitals and data centers.

Michael received a B.A. from the College of William & Mary and his J.D., with distinction, from George Mason University School of Law. He is admitted to practice in Virginia and is a member of the Virginia Bar Association and the Fairfax County Bar Association. His publications include "Control Your Warranty Claims," with Robert Diamond, published in the *Virginia Builder* 8 (2001) and many articles in *The Critical Path*, a quarterly publication of the Construction group of Reed Smith. Michael is a frequent speaker on construction and real estate related topics.

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Kevin K. Douglass

Kevin Douglass is a shareholder in the Litigation Services Group of Babst, Calland, Clements and Zomnir, P.C. He is the vice-chairman of the Litigation Services Group, a chairman of the firm's Associate Review Committee, and the coordinator of the firm's paralegals.

Kevin has two decades of experience litigating complex commercial litigation matters. He regularly represents clients in director/officer liability cases, restrictive covenant/trade secret matters, employment and other contract issues, shareholder and partnership disputes, leasing and real estate cases, product liability, as well as construction and environmental actions.

Mr. Douglass has served as lead counsel on cases in a wide variety of forums including the state, federal and bankruptcy courts of Pennsylvania, West Virginia and several other states. He also has participated in numerous forms of alternative dispute resolution including mediation, mini-trials and arbitration. Notable cases litigated by Mr. Douglass include the successful defense of the former chief financial officer of a billion dollar entity in numerous cases, including class actions, in multiple forums. He obtained a 3.3 million dollar judgment, plus attorneys' fees, on behalf of a corporate officer in a complex contract action. In addition, Mr. Douglass secured the rare appointment of a corporate custodian after a protracted hearing in federal court exposing the corporate owners' fraudulent activities. He also obtained a punitive damage award for a client following a jury trial involving trade secret violations.

Mr. Douglass graduated magna cum laude from Mount Union College with honors in History in 1983. He earned his J.D. at Duquesne University School of Law in 1986 where he was a member of the Duquesne Law Review and served as an intern with Judge David W. Craig in Pennsylvania's Commonwealth Court.

Mr. Douglass is admitted to practice in both Pennsylvania and West Virginia, as well as in the United States District Court for the Western District of Pennsylvania and the United States Court of Appeals for the Third Circuit. He has also been admitted pro hac vice in numerous state and federal courts.

Mr. Douglass is a Member of the Board of Trustees of the Energy & Mineral Law Foundation, and an active member of the Allegheny County, Pennsylvania and American Bar Associations. He is the immediate past chair of the Allegheny County Bar Association Court Rules Committee. Among his civic activities, Mr. Douglass is Vice-Chair and Secretary of the British-American Business Council's Pittsburgh chapter. In addition, he is a member of the Western Pennsylvania Animal Rescue Leagues' Board of Directors. In 2005, he served as Co-Chair of a wine tasting event raising \$150,000.00 for Children's Hospital of Pittsburgh.

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Thomas J. FitzGerald

Tom FitzGerald has been Director of the Kentucky Resources Council since 1984. KRC is a non-profit environmental advocacy organization providing free legal, strategic and policy assistance to individuals, organizations and communities concerning environmental quality and resource extraction issues. From 1980 until 1984, "Fitz" was a staff attorney and environmental specialist with the Appalachian Research and Defense Fund of Kentucky's Lexington office.

Fitz received his Juris Doctor from the University of Kentucky College of Law in 1980 (Order of the Coif) and was a Reginald Heber Smith Community Lawyer Fellow from 1980-1982. He is an extinguished [sic] alumnae of Roger Williams College, Bristol, Rhode Island with a B.A. in American Studies with distinction.

Fitz has held numerous appointments in the past 25 years; a member of the Kentucky Forest Products Council, (1994-1999), the Governor's Clean Air Act Task Force, (1993-Present), the Ky*A*Syst Advisory Committee (1993-Present); Clean Air Act Small Business Technical Advisory Committee, (1995-1999); on the Task Force on Surface Mine Bonding (1982-1984), the Task Force On Mining Primacy (1980-1982), the Task Force on Tar Sand Development (1982-1984); the Legislative Task Force on Waste Management (1988-1990), Board, Kentucky Center for Hazardous Waste Reduction, (1989-1994), member, Kentucky Coal Authority (1990-1992), the Solid Waste Reduction and Management Plan Advisory Committee, (1991-1994), the Container Deposit Task Force, (1998-1999), and the NRCS State Technical Committee (1996- Present).

Fitz has been an Adjunct Professor of Energy and Environmental law at the Brandeis School of Law since 1986, and has published a number of articles, including *The Ages Tragedy: Where Were The Regulators?*, a report of 1981 coal waste dam collapse in Harlan County, Kentucky, "The 1977 Surface Mining Control and Reclamation Act – The Citizens 'Ace In The Hole'" 8 *No. Kentucky L. Rev.* (1981) a primer on representation of the public in surface mining cases; "Federal Regulation of Coal Mine Waste Disposal: A Blueprint For Disaster," an article on needed reform and interagency coordination in coal waste regulation, 1984 *National Coal Issue, West Virginia Law Review*; "Abuse of the Surface Mining Act: A Continuing Story," a review of the abuse of the federal Surface Coal Mining and Reclamation Act of 1977, in the 1985 *National Coal Issue, West Virginia Law Review*; and "Representing the Citizen In Surface Mining Cases," Chapter 115 of Volume 3 of the multi-volume treatise *Kentucky Mineral Law*.

He received the Environmental Quality Commission Lifetime Achievement Award, 2002; the Henry R. Heyburn Public Service Award, University of Kentucky College of Law, 2003, and the Kentucky Nature Preserves Commission Biological Diversity Award in 2003.

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Sharon O. Flanery

Sharon Flanery is a member of Steptoe & Johnson in Charleston, West Virginia where she leads the firm's Energy and Natural Resources team. She concentrates her practice in energy and mineral law in which her experience includes drafting, negotiating and interpretation experience with transactional documents, leases, joint venture agreements, contract mining agreements, joint operating agreements, sales and marketing agreements, as well as due diligence experience in acquisitions and divestitures. She also has general property experience in land development and dispositions issues including asset sales, rights of ways, deeds, land use and damage issues. Ms. Flanery has addressed federal mining benefits statutory issues, admiralty issues, hydro issues and pipeline issues including encroachment policies and Department of Transportation enforcement issues. She has also handled cases addressing operational conflicts between various property estates.

Ms. Flanery is recognized in "The Best Lawyers in America" in the fields of energy, natural resources and oil and gas law. She received a Bachelor of Science degree in petroleum engineering from West Virginia University in 1978, graduating cum laude, and a Juris Doctor degree from Duquesne University in 1991, where she was a member of the Law Review. Prior to joining Steptoe & Johnson, Ms. Flanery served as Vice President of Exploration for Columbia Natural Resources Inc., where she was responsible for the Geoscience, Reservoir Engineering, Gas Supply, Marketing and Land Departments. Previously, she was Assistant General Counsel at Columbia Gas Transmission Corp. and NiSource Corporate Services Company and was a member of the Law Department of CONSOL, Inc. in Pittsburgh. Before obtaining her law degree, she worked as a reservoir engineer including working at Aramco in Saudi Arabia in the early 1980s. Ms. Flanery is a member of the West Virginia, Pennsylvania and District of Columbia bars and holds a United States Patent and Trademark License.

Ms. Flanery serves on the Board of Directors for the Black Diamond Girl Scout Council and is a Trustee for the Energy and Mineral Law Foundation. Ms. Flanery is also a member of the Advisory Accreditation Committee for the Department of Petroleum Engineering at West Virginia University. She is co-author of "Orphans, Foundlings and Wards of the State: Plugging Liability for Orphaned and Abandoned Wells in the Eastern United States", "The Use of Minirials in Mineral Disputes" and "The Balancing of Coal and Coalbed Methane Interests Within the Coalbed Methane Statutory Schemes of Virginia, West Virginia and Kentucky." She also co-authored the paper "Application of Log-Inject-Log in Granny's Creek Oil Field" for a Society of Petroleum Engineers Regional Conference. In the past, Ms. Flanery served on the Board of the West Virginia Chamber of Commerce and was President of the Alumni Association for WVU Minerals and Energy Resources Department. She is a past named Outstanding Alumni of the Year for the WVU Minerals and Energy Resources Department and she was selected as a guest lecturer by the Dean of the WVU College of Engineering and Minerals for the Distinguished Lecture Series.

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Nicholas R. Glancy

Nicholas R. Glancy is President and Chief Executive Officer of Rhino Energy LLC, a Lexington, Kentucky based coal producer with operations in Kentucky, West Virginia, Ohio and Colorado. Rhino currently produces approximately 8 million tons of coal per year. Mr. Glancy initially served as Rhino's Sr. Vice President and General Counsel when he joined the company in 2005. Rhino Energy is a portfolio company of Wexford Capital LLC, an SEC registered investment advisor located in Greenwich, Connecticut.

Before joining Rhino Energy LLC, Mr. Glancy served as a founding member of the law firm of Sawyer & Glancy PLLC in Lexington, Kentucky. His law practice focused on mineral law matters, and he represented clients involved in various aspects of the coal industry. He also acted as general counsel to Black Beauty Resources of Evansville, Indiana from 1997 through 2000. Prior to forming Sawyer & Glancy, Mr. Glancy was a partner with the Lexington office of Greenebaum Doll & McDonald.

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Timothy W. Gresham

Timothy W. Gresham is a Shareholder/Director of Penn, Stuart & Eskridge, P.C. in its Abingdon, VA office. He represents and advises clients in the areas of workers' compensation and occupational disease, mineral rights and regulations, as well as environmental and safety matters. Before joining PennStuart, Mr. Gresham served as an Assistant Attorney General of Virginia involved in the enforcement of laws relating to the mining and oil and gas industries. He previously worked as staff counsel for The Pittston Coal Group.

Mr. Gresham is active in the Energy and Mineral Law Foundation, serving as President for 2004-2005 and the Executive Committee until May 2007. He serves on the Board and is presently the Chair for the 29th EMLF Annual Institute to be held in May 2008 in Orlando, FL. Mr. Gresham has made many seminar and conference presentations concerning mineral and environmental law and regulation and occupational disease issues. He has published articles relating to mineral and environmental law topics in the *Journal of Mineral Law & Policy*, *West Virginia Law Review* and the Annual Proceedings of the EMLF. He received his B.A. in 1976 from Morehead State University and his J.D. in 1979 from the University of Tennessee College of Law and is licensed in Tennessee and Virginia.

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Vaughn R. Groves

Vaughn R. Groves is the Vice President and General Counsel of Alpha Natural Resources, Inc. (NYSE: ANR), one of the Appalachian region's leading coal companies. Prior to joining Alpha, Mr. Groves served as Vice President and General Counsel of Pittston Coal Company from 1996 until October 2003, and as Associate General Counsel of Pittston from 1991 until 1996. Before joining Pittston, Mr. Groves was associated with the law firm of Jackson Kelly PLLC. Mr. Groves is also a mining engineer and before obtaining his law degree, worked as an underground section foreman, construction foreman and mining engineer for Monterey Coal Company, formerly a division of Exxon.

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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 Treasurer for the Energy & Mineral Law Foundation and has been a frequent speaker at Foundation programs on mine safety law, Annual Institutes and this Mineral Law Conference.

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 Appeals for the Fourth and Sixth Circuits, and the U.S. Supreme Court.

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Daniel A. Jensen

Dan Jensen has been practicing natural resources law since 1988. His practice with Parr Waddoups Brown Gee & Loveless in Salt Lake City, Utah encompasses mining, oil and gas, water, public land, and administrative law, including title work, acquisitions and transfers of mineral land and water rights, due diligence reviews, and development agreements for projects throughout the United States. Dan also handles related litigation concerning property titles and boundaries, access rights, mining claims, water right ownership and modifications, regulatory compliance, and proceedings before the federal Interior Board of Land Appeals, the federal Mine Safety and Health Review Commission, the Utah Board of Oil, Gas and Mining, and the Utah Division of Water Rights.

Dan holds a Bachelor of Science degree in Mining Engineering from the University of Utah (1982, *cum laude*) and spent three years as a mining engineer for Shell Oil Company in Houston, Texas and Springfield, Illinois.

Dan received his law degree from the University of Utah in 1988, where he was an editor for the *Utah Law Review* and a member of the Order of the Coif. In 2004, Dan was named by *Utah Business* magazine as one of the Top 100 Utah Lawyers. Dan has served as Chair of the Utah State Bar's Energy, Natural Resources and Environmental Law section as well as Chair of the Mining Law committee and Chair of the Water Law committee within that section. In 2005, he was named as the section's "Lawyer of the Year." Dan also serves as a Trustee of the Rocky Mountain Mineral Law Foundation and as a Member of the Foundation's Executive Committee.

Dan is a member of the American Association of Professional Landmen, the Utah Association of Professional Landmen, the Nevada Landmen's Association, the Utah, Nevada and Northwest Mining Associations, and the American Institute of Mining, Metallurgical and Petroleum Engineers.

For 14 years (1991-2005) Dan also served as a judge *pro tempore* in the Third Judicial District Court for Salt Lake County (Small Claims Division), where he conducted over 1,000 trials and learned more than he ever wanted to know about landlord/tenant disputes and defective car repairs.

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Colleen Keefe

Colleen Keefe serves as legal counsel to the Division of Securities of the Kentucky Office of Financial Institutions. She previously served as Director of the Division of Securities from October, 1999 to June, 2007. The Division is responsible for the regulatory oversight of securities activities conducted in Kentucky. This includes licensing and examining persons offering and selling securities in Kentucky, registering securities offerings, and investigating alleged violations of the securities laws. Ms. Keefe represents the Office in administrative and civil actions alleging violations of the Securities Act of Kentucky and advises the staff of the Division concerning application of the Act.

Ms. Keefe is the member representative for the Office to the North American Securities Administrators Association and serves as chair and co-chair of committees within that association dealing with investment advisor regulation. She is also a member of the board of directors of the Kentucky Council on Economic Education and serves on the executive committee of the board.

Ms. Keefe received a juris doctor degree from the University of Kentucky College of Law in 1996 and a bachelor of science in economics from the UK Gatton College of Business in 1991. She is admitted to practice in Kentucky.

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John K. Keller

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

Mr. Keller is a frequent speaker and has authored several articles in oil and gas including "Representing Unsecured Creditors in Oil and Gas Collection Matters," Ohio Legal Center Institute Publication No. 144, 1984, "Drafting the Modern Oil and Gas Lease," 2 *Eastern Mineral Law Institute*, 1981, "Legal Aspects of Geophysical Exploration," 13 *Eastern Mineral Law Institute*, 1992. He is the co-author of "Basic Revision in the Ohio Oil and Gas Law," 53 Ohio State Bar Association Reports 2011.

Mr. Keller is a member of the Columbus Bar Association (Member, Real Property Committee, 1976 to 1980; Energy Committee, 1983 to present), Ohio State Bar Association (Member, Natural Resources Committee, 1978 to present; Chair, 1996-1998), Energy and Mineral Law Foundation (Trustee and Past Chair, Oil and Gas Committee; Member, Executive Committee, 1998-2001), the Ohio Oil and Gas Association, and Mountain States Legal Foundation (member of the board of litigation).

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Lynn H. LeMaster

Lynn H. LeMaster is senior vice president of the Edison Electric Institute (EEI), based in Washington, D.C. EEI is the association of shareholder-owned electric companies, whose members represent approximately 70 percent of the U.S. electric power industry.

Mrs. LeMaster's areas of responsibility include policy, issue management and internal operations – including oversight of the Institute's governmental affairs, communications, legal, budget and IT departments. Previously, she served as EEI's Vice President for Governmental Affairs, and before that as a Director of Governmental Affairs. She joined EEI in 1985 as a Senior Legislative Affairs Representative. Prior to joining EEI, Mrs. LeMaster worked on Capitol Hill for thirteen years – first on the staff of Senator John Sherman Cooper (KY), and later as a Legislative Assistant to Senator Walter D. Huddleston (Ky). Her work on Capitol Hill focused on a wide range of issues, including energy policy.

Mrs. LeMaster is a graduate of the George Washington University and has done graduate work in business administration at GW.

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William M. Mattes

William M. Mattes is a partner in the Litigation Department of Dinsmore & Shohl LLP in Columbus, Ohio. Bill has extensive litigation experience, having completed more than twenty trials and arbitrated or mediated numerous cases throughout Ohio. He obtained a multi-million dollar verdict on behalf of a client in a complicated series of financial transactions and prevailed on appeal. He has favorably settled several multi-million dollar construction disputes. He successfully represented clients on temporary restraining orders, preliminary injunctions, and permanent injunctions related to employment issues. He represents clients before OSHA regarding work place standards and in administrative proceedings before state regulatory agencies. He has served on litigation teams as special counsel to the Ohio Attorney General. Bill also has extensive appellate experience and has appeared before the Ohio Supreme Court and numerous courts of appeal. He counsels franchisers and franchisees in multiple franchise and

distribution matters. He also is a speaker at professional seminars offered by Lorman Educational Services, Columbus Bar Association, Cincinnati Bar Association, Sterling Educational Services, and HalfMoon LLC.

Mr. Mattes received his B.S. from Southern Connecticut State University and his J.D. from Ohio Northern University, Claude W. Pettit College of Law. He was a member of both Law Review and Moot Court and received the Constitutional Law – Book Award. His Bar Admissions include Ohio, the U.S. Court of Appeals for the Sixth Circuit, U.S. District Court for the Southern District of Ohio, U.S. District Court for the Northern District of Ohio, and the U.S. Bankruptcy Court for the Southern District of Ohio.

William is a member of the Ohio State Bar Association and the Columbus Bar Association where he serves on the Construction Law Committee and Federal Courts Committee. He is a former Assistant Attorney General (1988-1992), Court of Claims Defense Section and a former Counsel and Executive Board member for the Ohio Young Democrats. William is active with Volunteer Lawyers for the Poor, Junior Achievement at Our Lady of Peace School and North Columbus Intramural League for Children's t-ball, softball and baseball. In 1998, he was a Business First Forty Under 40 award winner.

Mr. Mattes has published numerous articles on construction issues including February 16, 2006 and July 27, 2006 "Appearing As A Witness In a Civil Lawsuit & Law of Engineering Malpractice," Legal Issues for Ohio Professional Engineers, Worthington and Cincinnati, Ohio; July 12, 2005 "Let the Builder Beware," Cincinnati Bar Association; October 14 & 26, 2004 and March 30, 2005 "How Design Documents Can Prevent or Cause Construction Claims" Dayton, Worthington and Independence, Ohio; April 13, 2004 "Issues During Construction - Fundamentals of Construction Law," Cincinnati, Ohio; December 19, 2002 "Mold Litigation," Construction Law Update, Columbus Bar Association; and June 28, 2002 "Let the Builder Beware."

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Ken McDonough is Assistant General Counsel – Real Estate for American Electric Power in Columbus, Ohio. Ken heads up the Real Estate Practice in the AEP Legal Department, and provides legal advice and support to AEP's real estate, right of way, generation, and hydro operations. Ken is a graduate of Purdue University (B.A. – 1974) and the Indiana University School of Law – Indianapolis (J.D. – 1978). Before joining AEP in 1983, Ken was an attorney for Public Service Indiana from 1978 to 1983. Ken is licensed to practice in Indiana and Ohio.

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Michael J. Miller

Michael J. Miller, P.E., a petroleum engineer with more than 26 years of engineering and petroleum operations experience, provides clients with a full range of drilling, production and reservoir engineering services. Since 1988, he has been involved in all phases of coalbed methane (CBM) and coal mine methane (CMM) evaluation and development, including resource assessment, field development, production optimization, and well completion and gathering system design. Mr. Miller has assisted clients to determine the safest and most effective means to plug and subsequently mine through horizontal CBM wells. He also has worked on deep gas, secondary and tertiary oil recovery, gas storage, salt water disposal and environmental projects, and has extensive experience assessing and developing tight sandstone and organic shale reservoirs.

Prior to joining MM&A, Mr. Miller worked as a Production and Reservoir Engineer for Getty Oil Company, as a Senior Development Engineer for Texaco, as Engineering Manager and Vice

President-Production for Equitable Resources, as Operations Manager for DTE Energy and AMVEST, and as an independent engineering consultant. He has directed the drilling and production operations of thousands of wells and the construction of gathering systems and other infrastructure. He has worked in many regions and on both domestic and international projects with particularly extensive experience in the Central Appalachian, Cherokee, Michigan, and Permian Basins. Mr. Miller received his B.S. in Physics from St. Bonaventure University and his M.S. in Petroleum Engineering from the University of Tulsa. He is licensed as a Professional Engineer in Tennessee (License No. 22668).

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Roger L. Nicholson

Roger L. Nicholson is the Senior Vice President, General Counsel and Secretary of International Coal Group, Inc., a leading Central and Northern Appalachian coal producer with complementary operations in the Illinois Basin. International Coal Group, Inc. is publicly traded on the New York Stock Exchange.

Prior to joining ICG in April 2005, Mr. Nicholson was a member of Jackson Kelly, PLLC. His practice focused on energy and natural resource transactions. Before joining Jackson Kelly, PLLC in April 2002, Mr. Nicholson served as Vice President, Secretary and General Counsel of Massey Energy Company, a New York Stock Exchange listed company.

Mr. Nicholson is admitted to practice law in Kentucky and West Virginia. He is a Trustee-at-Large of the Energy and Mineral Law Foundation, served on the Executive Committee, and is currently the Membership Chair. He earned a B.S. in economics from Georgetown College and a J.D. from the University of Kentucky.

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Cordell Pierce works in the land department for Equitable Production Company in Charleston, WV, where he does title curative for Kentucky titles. Prior to joining Equitable, Cordell was an associate in the Lexington office of Wyatt, Tarrant, & Combs, LLP. Cordell graduated cum laude from the University of Kentucky in 2001. He received his J.D. from West Virginia University in 2005 where he graduated Order of the Coif. While in law school, Cordell served as the Chairman of the Ethics Committee and also served as the Executive Notes and Comments Editor of the West Virginia Law Review. He is author of "Making a Statement Without Saying a Word: What Implied Covenants 'Say' When the Lease Is 'Silent' on Post-Production Costs," 107 W. Va. L. Rev. 295 (2004). Cordell has been a member of the Energy & Mineral Law Foundation since

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Helena E. Racin

Helena E. Racin is an associate with the firm of Wyatt, Tarrant & Combs, LLP in Lexington, Kentucky. She concentrates her practice in the firm's Commercial Litigation and Mineral and Energy Practice Groups.

Originally from Morgantown, West Virginia, Ms. Racin joined the firm after graduating in 2004 from the University of Pittsburgh School of Law where she served as the Network Editor of the *Journal of Technology Law and Policy*. Before beginning her practice in Lexington, Ms. Racin served as a Legal Intern in the Governor's Office of General Counsel, Department of Environmental Protection, Southcentral Litigation Division in Harrisburg, Pennsylvania. During law school, Ms. Racin focused her efforts in civil litigation and was an Appellate Moot Court finalist in both the Best Oralist and Best Brief Competitions. Before law school, Ms. Racin graduated from West Virginia University in 2000, Phi Beta Kappa, *summa cum laude* and obtained the honor of being awarded the Most Outstanding Graduate in Liberal Arts and Sciences.

Currently, Ms. Racin is a member of the Fayette County, Kentucky, Federal and American Bar Associations, the Energy & Mineral Law Foundation, the Lexington Coal Exchange, the Kentucky Coal Association, and serves as the Vice-Chair of Public Service for the Mining Section of the ABA Section of Environment, Energy and Resources. She has previously presented at the 2007 Annual Spring Meeting of the Central Appalachian Section of Surface Mining Engineers and the 2007 Professional Engineers in Mining Seminar. Ms. Racin has authored several articles for the Coal Leader and the ABA Section of Environment, Energy and Resources, Mining Committee Newsletter. Ms. Racin is admitted to practice before the Supreme Court of Kentucky, United States District Courts for the Eastern and Western Districts of Kentucky and the 6th Circuit Court of Appeals. Recently, Ms. Racin was awarded the honor of being the 2007 Bluegrass Leukemia and Lymphoma Society's Woman of the Year in recognition of her efforts in raising close to \$12,000.

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Gary E. Slagel

Gary Slagel is the Director of Government Affairs for Consol Energy, Inc. and CNX Gas, both of which are located in Pittsburgh, PA. Mr. Slagel, an engineering graduate from the University of Dayton, spent a number of years working in CONSOL Energy's Environmental Affairs group and the last seven years in his current government affairs position. Mr. Slagel serves on the Board of Directors of the Kentucky, Ohio, Pennsylvania, Illinois, Utah and Virginia Coal Associations and chairs the environmental committee of the Virginia Coal Association. He also chairs the Surface Mine Regulatory Subcommittee of the National Mining Association. Additionally, he currently functions as the executive director of the American Coal for Balanced Mercury Regulations Coalition. He is the current chairman of both the Pennsylvania and Virginia Coal Associations. He was appointed in 1990 by then Governor Casey to the Pennsylvania Oil and Gas Technical Advisory Board and still serves on that board.

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David Stetson

David J. Stetson currently serves as Senior Vice President of Finance and General Counsel for Trinity Coal Company. He has previously served as senior vice president, chief financial officer and general counsel for public and private companies. In those roles he has been responsible for the formation and structure of strategic partnerships, evaluation of business opportunities, completion of complex mergers and acquisitions and raising of capital through public and private sales of securities and debt. Mr. Stetson advises and assists mature and start-up companies on mergers and acquisitions, corporate structure and strategy, financing alternatives and re-capitalization. Mr. Stetson is on the board of directors for numerous companies, including Lexington Coal Company LLC, Tier 1 Performance Solutions, and Technology Management Partners. Mr. Stetson earned a B.S. in business and political science from Murray State University, a J.D. from Louis Brandeis School of Law, and an M.B.A. (Magna Cum Laude) from the University of Notre Dame.

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Daniel L. Stickler

Dan Stickler is a member of Jackson Kelly's Litigation Department and Coal Industry Practice Group in Charleston, West Virginia. He earned his undergraduate degree in 1967 and his law degree in 1970 from West Virginia University. After graduating law school, he was an associate and later partner with the firm of Rose, Schmidt & Dixon in Pittsburgh, where he practiced in the areas of mine health and safety, labor law, and civil litigation. In 1978, he joined Consolidated Coal Company's Legal Department as Associate General Counsel. While with Consol, he was responsible for the Company's litigation and labor functions. From 1978 to 1988 he was Chairman of the Lawyers' Committee and Counsel to the Negotiating Committee of Bituminous Coal Operators Association, Inc., and was a member of the National Coal Association Lawyers' Committee.

In 1988, Mr. Stickler joined Jackson Kelly PLLC in the Charleston, West Virginia office where he was Administrative Manager of the Firm's Practice Department that included mine health and safety, environmental, labor, and employment law. In addition he represented the Firm's mining industry clients in commercial arbitration and in both state and federal court matters involving toxic torts, personal injury (deliberate intent), contractual disputes, class actions, employment disputes, and environmental disputes.

In 2002, Dan left Jackson Kelly PLLC to join Horizon Natural Resources Company as General Counsel. While at Horizon, he was a member of the Management Committee that shepherded the Company through its bankruptcy proceedings that resulted in the Company's successful reorganization and ultimate sale in 2004. Mr. Stickler rejoined Jackson Kelly in 2004 and resumed his litigation practice with the Firm.

Dan is admitted to practice in West Virginia and Pennsylvania and is a frequent participant on panels and seminars before various mining industry and management groups.

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Jeffrey W. Wagner

Jeffrey W. Wagner joined Pardee Resources Company, an Appalachian based land company, in 2004 as General Counsel and Secretary. He is a member of the National Council of Coal Lessors and serves on the Executive Committee. From 1982 to 2004 he worked for Sun Oil Company holding various positions in the Legal Department including General Counsel of Sunoco Logistics

Partners, a publicly traded master limited partnership, which owns and operates petroleum pipelines and terminals in sixteen states. He was the Chairman of the Judicial and Legislative Affairs Division of the Association of Oil Pipelines. He received his B.A. from Trinity College in 1979 and his J.D. from the Dickinson School of Law in 1982. He is a member of the Pennsylvania and Oklahoma State Bars.

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John M. Williams

John M. Williams is a native of Loyall in Harlan County, Kentucky, and a partner in Rajkovich, Williams, Kilpatrick & True, PLLC, in Lexington, Kentucky. John graduated from the University of Kentucky College of Business & Economics with a Bachelors of Business Administration (Finance) in 1984 and received his Juris Doctor from the University of Kentucky College of Law in 1987. He is a member of the Energy & Mineral Law Foundation and the Kentucky, Fayette County (Kentucky), American and Federal Bar Associations. He has held several officer positions with the Kentucky Chapter of the Federal Bar Association, including President in 2000.

John has extensive litigation experience in federal and state courts throughout Kentucky. He recently worked with the Kentucky Coal Association's Health & Safety Committee in reviewing and commenting on Kentucky's mine safety legislation changes in 2006 and 2007. He has spoken on a variety of topics, including Kentucky mine safety law changes and the 2006 MINER Act.

Although his practice is primarily in mineral and energy and commercial litigation, John also has experience in personal injury, construction claims, and architect and engineer defense. His experience in mineral law includes litigation of contract disputes, boundary disputes and personal injury matters plus drafting and reviewing lease agreements, contract mining agreements and other transactions. John represents a number of clients in matters before the Federal Mine Safety and Health Review Commission and in litigation matters in state and federal courts in Kentucky. In the commercial litigation area, John has also represented parties in business torts, lender liability and a wide variety of contract disputes.

John is on the Board of Directors of Special Olympics Kentucky, Inc., serving as its Board Chair for two years. He was also on the Board of the Lexington Children's Museum, Inc, for almost ten years, during which he served as Board Chair for five years.

In September of 2005, John, Marco Rajkovich, Melanie Kilpatrick and Noelle Holladay True formed the law firm of Rajkovich, Williams, Kilpatrick & True, PLLC, located in Lexington, Kentucky. Prior to that, he practiced in the Lexington office of Wyatt, Tarrant & Combs, LLP, for eighteen years.

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William P. Wolf

William P. Wolf is the Director of Business and Market Analysis with the John T. Boyd Company in Canonsburg, Pennsylvania. His range of expertise includes the study of energy and mineral markets, transportation logistics, and the valuation of domestic and international mining operations. His Masters degree education in business administration, with a concentration in finance, complements extensive experience in international project development and financing. He has authored numerous market studies analyzing world coal supply/demand trends, pricing, and regulatory hurdles facing the mining industry. Mr. Wolf's extensive background includes involvement in comprehensive mine operations assessments, mine feasibility and economic analysis, and development of computer cost and productivity models. He has experience reviewing coal and transport contracts as well as contract mining agreements.

Mr. Wolf graduated from West Virginia University with a B.S. in Mining Engineering in 1985. He received his M.B.A. from the University of Pittsburgh in 1999.

His publications and papers include the following: "Future Demand for Southern Powder River Basin Coal," *World Coal*; "Demand in the US and International Utility Markets: Where Does Western US Coal Fit In?" Spring Pacific Coal Forum, Western Coal Council; "Valuation Techniques Used in the U.S. Coal Industry," 10th Annual Conference, Mineral Economics & Management Society; "Market Renewal in the Far East," *World Coal*; "The Challenges Continue," *World Coal*; co-author, "The Future of Longwall Mining Through 2005," *COAL Magazine*; and co-author, "Appalachian Operators Maintain Significant Production," *Mining Engineering*.

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