Yes, I want to attend the Kentucky Mineral Law Conference

The full conference registration includes all program materials in electronic format online, continental breakfasts, refreshment breaks and hotel-occupied rooms on Wednesday. Registrants choosing to have program materials in looseleaf binder at the time of the program for an additional $75 should mark that choice on the registration form.

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Energy & Mineral Law Foundation
340 South Broadway, Suite 101
Lexington, KY 40504

Kentucky Mineral Law Conference
October 16-17, 2019
Hilton Lexington/ Downtown
Lexington, KY

Conference Hotel
Accommodations for the conference are at the Hilton Lexington/Downtown, 369 West Vine Street, Lexington, KY 40507. The room rate is $182 plus tax, currently at 13.4 percent, for reservations made through September 24 or sell-out.

Call 1.859.231.9000 or toll free 1.877.539.1648 and ask for the EMLF Group rate. Check-in time is 3 p.m. and check-out time is noon. Cancellations must be made by 3 p.m. the day prior to arrival to cancel a guaranteed reservation prior to 3 p.m. on the day prior to arrival will result in a no-show charge. Or go to the EMLF website — www.emlf.org — for a link to online registrations.

With a stay at Hilton Lexington/Downtown, you’ll be centrally located in Lexington, near such notable sites as Keeneland, Rupp Arena, and the University of Kentucky. The hotel is close to the University of Kentucky, Lexington Opera House, and downtown restaurants and shops. For outdoor enthusiasts, the Bluegrass Trail and the Kentucky Nature Center are just a few miles away. Additional points of interest include professional sports events at Rupp Arena and the Lexington Center, Lexington, Kentucky, and shopping at the Lexington Premium Outlets.

Join us for an afternoon at the races!

The Lexington Conference Center is the site of the Fall Conference of the Energy & Mineral Law Foundation. The Conference Center is also home to the famous Keeneland Race Course, where some of the world’s best horses and jockeys come to race during Keeneland’s Spring and Fall meets. A limited number of hotel rooms are available. Please indicate on your registration form whether you will attend. Tickets are complimentary with conference registration. Guardians are available for $10.

Three ways to register

1. Online: go to www.emlf.org
2. By phone: call 859.231.0271
3. By mail: send form and payment to EMLF, 340 South Broadway, Suite 101, Lexington, KY 40508
Track 2 – Policy and Decision-Making

8:30-9:15 a.m.
Significant Distribution of the Interior Oil, Gas, and Coal Relicensing and Archways

Laura A. Bachiochi, Rice University, Assistant Professor
During the Obama Administration, the Department of the Interior (DOI) issued several royal decrees, oil, gas, and coal leases and regulations, and in March of 2017 the Bureau of Land Management (BLM) of the Department of the Interior issued the Veloxman Rule, the BLM Hydraulic Fracturing Rule, and the BLM Coal Leasing Manual, all of which were rendered inconsiderate. Upon arrival, the Trump Administration took steps to not only roll back the BLM rule, but also the Veloxman rule and the Hydraulic Fracturing rule. These regulations, as subsequently policy decisions, are an important area to watch and read as the energy industry moves forward. This session will provide an overview of these significant DOI regulations and decision-making processes, as well as the ongoing litigation and the disputes the industry faces.

Kathyrn Stone, Fleuris, Reath LLP, Charleston, WV

9:15-10:00 a.m.
Who Has the Final Say: Overview of Recent Cases Involving Conflict Among Local, State, and Federal Agencies

Renee G. Anderson, Hansen, Reath LLP, Charleston, WV

10:15-11:00 a.m.
Chipping Away at the Stone: Agency Deference after Auer v. Robbins

John M. Williams, Williams, Aker, PLLC, Lexington, KY

The Auer v. Robbins decision has had a significant influence on the development of agency deference in the administrative law. This session will discuss whether the Supreme Court’s decision in Auer v. Robbins impacts the previous Supreme Court decision in Kisor v. Wilkie.

11:15-12:00 noon
The Use of Renewable Portfolio Standards, Net-Zero Carbon Goals, and Zero Emissions Credits in the United States

James Van Nostrand, YLLC, Law Offices, Morgantown, WV

The United States is currently experiencing a period of significant market-driven decarbonization of the energy industry that is already underway. Among other things, states are revising their existing incentive programs to address new or emerging issues, and utilities are increasing their use of electric vehicles. This session will discuss how these trends are impacting the use of renewable portfolio standards, net-zero carbon goals, and zero emissions credits in the United States.

12:15-1:00 p.m.
Through the Looking Glass: An Overview of Pennsylvania’s New Solar Energy Policy

Corban Israel, Alliance Coal, LLP, Morgantown, WV

Through the Looking Glass: An Overview of Pennsylvania’s New Solar Energy Policy

Corban Israel, Alliance Coal, LLP, Morgantown, WV

Bob Vansant, White, Burdette & Woodard, PLLC, Charleston, WV

1:30-2:30 p.m.
Siting of major new facilities and transmission corridors: Regulatory and legal issues

Patrick E. Farnsworth, Drinker Biddle & Reath LLP, Washington, DC

2:30-3:30 p.m.
Understanding the Legislation: A Primer on Domestic Source Wind

Selene H. Ritter, Zaleski, PLLC, Charleston, WV

3:30-4:30 p.m.
Newly Created Public Benefits

Natalie Jefferis, LSU Law Center, Baton Rouge, LA

4:30-5:00 p.m.
Summary and Next Steps

Andrea G. Ayers, Baker Bottles LLP, Washington, DC

Program Schedule

Wednesday, October 16

8:00-8:45 a.m.
Welcome

9:15 a.m.-12:15 p.m.
Joint Employment – The Law Keep Changing

12:15-3:00 p.m.
Electronic Signatures: Outlook Notices, E-Filing, Rule, When and Where Can You Use It?

Brian K. Maguire, Garland,unn, PLLC, Bridgeport, WV

3:15-5:00 p.m.
Preparing the Attorney-Client Privilege: Issues Faced by In-house Energy Counsel

10:00-11:00 a.m.
In the Pooling of Oil and Gas Interests

11:15 a.m.-11:30 a.m.
Electronic Signatures, Online Notaries, E-Filing: How, When and Where Can You Use It?

11:30 a.m.-12:00 p.m.
Electronic Signatures, Online Notaries, E-Filing: How, When and Where Can You Use It?

12:30-1:45 p.m.
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4:15-5:00 p.m.
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5:00-5:45 p.m.
Preparing the Attorney-Client Privilege: Issues Faced by In-house Energy Counsel

5:45-6:30 p.m.
Preparing the Attorney-Client Privilege: Issues Faced by In-house Energy Counsel

6:30-7:15 p.m.
Preparing the Attorney-Client Privilege: Issues Faced by In-house Energy Counsel

7:15-8:00 p.m.
Preparing the Attorney-Client Privilege: Issues Faced by In-house Energy Counsel

8:00-8:45 a.m.
Welcome
The Lure of the New Twelve Months in Energy Law

Speaker: John B. Reardon, Reed Smith LLP, Pittsburgh, PA

This presentation will explore the last year’s key developments in the law of oil, gas, and coal, focusing on recent cases and legislative initiatives. In addition, the speaker will also develop a set of general principles, based on both cases from the Appalachian Basin and from other jurisdictions, to help us determine whether not we provide our clients with the highest level of legal and ethical representation?

3:30–4:15 p.m.

Environmental Issues Facing the Publicly Traded Energy Company

Speaker: Bruce Farmer, Arch钾 Key PLLC, Lexington, KY

This presentation will focus on the responsibilities of corporate environmental counsel in identifying their client’s duties or obligations under federal pollution control laws. The presentation will also cover in-house counsel’s involvement in the environmental issues.

5:00–6:00 p.m.

Chipping Away at the Stone: Agency Deference after Albor v. Wilks

Speaker: John M. Williams, Williams &Rights, PLLC, Lexington, KY

This presentation will provide an overview of the cooperative federalism model of environmental regulation in the United States and survey the recent cases addressing the power of local jurisdictions to enact their own environmental protection programs, as well as the issues associated with the pre-emption of such local laws. This presentation will also provide an overview of the competitive federalism model of environmental regulation in the United States and survey the recent cases addressing the power of local jurisdictions to enact their own environmental protection programs, as well as the issues associated with the pre-emption of such local laws.

4:15–5:00 p.m.

Who Has the Edge in Oil and Gas Contractual Disputes: National vs State Courts

Speaker: Michael A. Blobaum, Williams &Rights, PLLC, Lexington, KY

This presentation will explore the advantage of the national courts over state courts in resolving oil and gas disputes. The presentation will also cover the recent cases addressing the power of local jurisdictions to enact their own environmental protection programs, as well as the issues associated with the pre-emption of such local laws.

2:30–3:15 p.m.

Surface Trespass Liabilities – Real Facts, Good Facts

Speaker: Keith H. Barth, J. Donald Rouse, Arch钾 Key PLLC, Lexington, KY

Some state courts have held that the measure of damages for a surface trespass liability suit for the loss of production from a gas well is the value of the lost production; others have held that the measure of damages is the cost of replacing the value of the lost production, or some other measure. This presentation will examine the different measures of damages and their potential impact on the resolution of these disputes.

1:30–2:15 p.m.

Significant Department of the Interior Oil, Gas, and Coal Rulemakings and Orders

Speaker: Roger G. Hanshaw, Bowles Rice LLP, Charleston, WV

This presentation will provide an overview of the significant Department of the Interior Oil, Gas, and Coal Rulemakings and Orders, including the effect of these rulemakings on the energy industry and the impact on the development of new oil and gas resources.

12:30–1:15 p.m.

The Battle for Your Data: Significantly the Importance of Privacy Rules

Speaker: Michael J. Moore, Steptoe & Johnson PLLC, Charleston, WV

This presentation will explore the recent cases addressing the power of local jurisdictions to enact their own environmental protection programs, as well as the issues associated with the pre-emption of such local laws.

12:00–1:15 p.m.

Employee Benefits

Speaker: Gregory D. Russell, Arch钾 Key PLLC, Lexington, KY

A review of current issues in health care plans, minimum pension plans and your company’s or client’s employer sponsored pension plan. This presentation will also cover the recent cases addressing the power of local jurisdictions to enact their own environmental protection programs, as well as the issues associated with the pre-emption of such local laws.

8:15–9:00 a.m.


Speaker: William Kilpatrick, PLLC, Lexington, KY

This presentation will examine the impact of the Auer v. Robbins Doctrine on the deferral of agency interpretations and the role of the courts in interpreting agency rules and regulations. This presentation will also cover the recent cases addressing the power of local jurisdictions to enact their own environmental protection programs, as well as the issues associated with the pre-emption of such local laws.

7:00–8:15 a.m.

Significant Department of the Interior Oil, Gas, and Coal Rulemakings and Orders

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This presentation will provide an overview of the significant Department of the Interior Oil, Gas, and Coal Rulemakings and Orders, including the effect of these rulemakings on the energy industry and the impact on the development of new oil and gas resources.

6:00–7:00 p.m.

The Use of Renewables Portfolio Standards, Net-Zero Carbon Goals, and Zero Emissions Credits

Speaker: James T. Novak, NRC Energy, Morgantown, WV

This presentation will examine the current state of the renewable energy industry and the role of state and federal government policies in promoting the development of renewable energy projects.

2:30–3:15 p.m.

The Impact of Energy Legislation on the Real Estate Industry

Speaker: Ilene A. Brown, Drinker Biddle & Reath LLP, Philadelphia, PA

This presentation will examine the impact of energy legislation on the real estate industry and the potential implications for real estate transactions and developments. This presentation will also cover the recent cases addressing the power of local jurisdictions to enact their own environmental protection programs, as well as the issues associated with the pre-emption of such local laws.

9:00–10:15 a.m.

Critical Reception

Speaker: John D. Coggeshall, Partner, Williams &Rights, PLLC, Lexington, KY

This presentation will provide an overview of the significant Department of the Interior Oil, Gas, and Coal Rulemakings and Orders, including the effect of these rulemakings on the energy industry and the impact on the development of new oil and gas resources.
**Program Schedule**

**Wednesday, October 16**

**8:00-8:45 a.m.**
**Welcome**

**8:30-8:45 a.m.**
**Joint Employment — The Law Keeps Changing**

**9:15-9:30 a.m.**
**Strategies and Innovation in the Law Industry**

**11:15 a.m.-12:15 p.m.**
**Environmental Issues Facing the Publicly Traded Energy Company**

**3:30-3:45 p.m.**
**Sequencing When It Is Done Incorrectly (or Perhaps Not at All). It Will Also Look at Modern Pooling Issues, What Pooling Is and What It Is Intended to Accomplish; How It Can Be Effected; and the Potential Consequences When It Is Done Incorrectly**

**5:00-6:00 p.m.**
**Informal Dinner with the Program Committee Chair and Keynote Speaker**

**Thursday, October 17**

**9:15-10:00 a.m.**
**A Review of Current Topics in Health Care, Retirement Benefits, and Should Your Company/Client Consider an ESOP? A Look at Issues Energy Clients Are Also Engaged in Sophisticated Efforts to Cut Off Equity or Debt Financing for Energy Producers. This Presentation Will Focus on Recent Trends**

**10:15-11:00 a.m.**
**The Use of Renewable Portfolio Standards, Net-Zero Carbon Goals, and Zero Emissions Credits in Shaping the U.S. Power Industry**

**11:00-11:30 a.m.**
**The Use of Renewable Portfolio Standards, Net-Zero Carbon Goals, and Zero Emissions Credits in Shaping the U.S. Power Industry**

**11:45 a.m.-12:30 p.m.**
**Major Employment — The Law Keeps Changing**

**1:15 p.m.-2:30 p.m.**
**Surface Trespass Liability — Bad Faith, Good Faith**
Three ways to register

Future program registrations after October 4 receive materials and a $100 credit toward a conference registration by calling the Foundation at 859.231.0271. Persons not entitled to any registration refunds will be made thereafter, but substitutions can be made for written registration cancellations received by October 4. No cancellation policy applies to cancellations post-October 4.

You may pay by _____ check or _____ credit card. EMLF accepts MasterCard, VISA or American Express.

Payment Options

CVV code (security code)

Confession of jurisdiction

Occasionally, participants in continuing legal education programs must sign a Confession of Jurisdiction, which is a legal document acknowledging the fact that programs are approved by the state bar association of the state where the program is being held.

Cancellations policy

Full refunds less a $75 administrative fee will be given for written registration cancellations received by October 4. No registration refunds will be made thereafter, but substitutions can be made by calling the Foundation at 859.231.0271. Persons not entitled to any refund will receive meeting materials.

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Fees

Conference Registration $5

Hard Copy Notebook $75

Guest Tickets to Kentucky $100

Total $590

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Conference accommodations

You may be eligible for special room rates, with same. EMLF will not sell information or media to any third party.

Privacy Policy

By entering your registration information, you agree to receive communications from EMLF, its officers and employees, from any liability connected with same. EMLF will not sell information or media to any third party.

Press Policy

All EMLF conferences are held under the Chatham House Rule.

Join us for an afternoon at the races!

After Thursday’s program concludes, meet your fellow conference attendees at the world-renowned Keeneland racetrack for horse racing, deliciious food, and beautiful views of Kentucky’s countryside. A limited number of reserved covered grandstand tickets are available. Please indicate on your registration form whether you will attend. Tickets are complimentary with conference registrations. Guest tickets are available for $10.

Conference Hotel

Accommodations for the conference are at the Hilton Lexington/Downtown, 369 West Vine Street, Lexington, KY 40507. The room rate is $82 plus tax, currently at 13.4 percent, for reservations made through September 24 or sell-out.

Call 1-855-238-0000 or toll free 1-877-737-6468 and ask for the EMLF Group Rate. Check-in times are 3 p.m. and check-out time is noon. Cancellations must be made by 5 p.m. the day prior to arrival. Failure to cancel will result in a no-show charge. Or go to the EMLF website — www.emlf.org — for a link to online reservations.

With a stay at Hilton Lexington/Downtown, you’ll be centrally located in Lexington, just steps from Lexington Visitor’s Center and Lexington Convention Center. This hotel is within close proximity of Victorian Square Mall and Lexington Opera House. Enjoy recreational amenities such as an indoor pool and a fitness center. Additional fees include gift shops/newsstands, wedding services, and shuttle service for a fee. Additionally, in states which calculate 60 minutes for a CLE hour, this will be 8.75 hours of CLE credit. Complete information for reporting your credits will be available at the conference. Additionally, fees may be required for certain state governments.

Accommodations for the conference are at the Hilton Lexington/Downtown, 369 West Vine Street, Lexington, KY 40507. The room rate is $182 plus tax, currently at 13.4 percent, for reservations made through September 24 or sell-out. Call 1-855-238-0000 or toll free 1-877-737-6468 and ask for the EMLF Group Rate. Check-in times are 3 p.m. and check-out time is noon. Cancellations must be made by 5 p.m. the day prior to arrival. Failure to cancel will result in a no-show charge. Or go to the EMLF website — www.emlf.org — for a link to online reservations.

Three ways to register

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If registering by phone, please write your registration and inclusion on EMLF’s website; waive any claims for payment or royalties; and release EMLF, its officers and employees, from any liability connected with same. EMLF will not sell information or media to any third party.
Yes, I want to attend the Kentucky Mineral Law Conference

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| Guest tickets to Kentucky (Limit 2) | $10 | $10 |

First Name

Middle Initial

Last Name

Organization/Name

City, State, Zip

Address

Email Address

Card #

Expiration date

CVV code (secured code)

Guests, if registering online, please indicate on your registration form whether you will attend. Tickets are complimentary with conference registration.

Conference accreditation is pending from states with mandatory Continuing Legal Education and the ABA. Please indicate on your registration form where you are seeking credit. Application will be made for 52.5 hours of continuing education, including 1 hour of ethics and 1 hour of attainment of well-being which qualifies for ethics in most states. In states which calculate 50 minutes as a CLE hour, this will be 83.5 hours of CLE. In states which calculate 60 minutes for a CLE hour, this will be 85.7 hours of CLE credit. Complete information for reporting your credits will be available at the conference. Additional fees may be required for certain state certifications.

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Middle Initial

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Printed Program Materials (Conference Registrations Only)

| Guest tickets to Kentucky (Limit 2) | $10 | $10 |

First Name

Middle Initial

Last Name

Organization/Name

City, State, Zip

Address

Email Address

Card #

Expiration date

CVV code (secured code)

Guests, if registering online, please indicate on your registration form whether you will attend. Tickets are complimentary with conference registration.

Conference accreditation is pending from states with mandatory Continuing Legal Education and the ABA. Please indicate on your registration form where you are seeking credit. Application will be made for 52.5 hours of continuing education, including 1 hour of ethics and 1 hour of attainment of well-being which qualifies for ethics in most states. In states which calculate 50 minutes as a CLE hour, this will be 83.5 hours of CLE. In states which calculate 60 minutes for a CLE hour, this will be 85.7 hours of CLE credit. Complete information for reporting your credits will be available at the conference. Additional fees may be required for certain state certifications.

Conference Hotel

Accommodations for the conference are at the Hilton Lexington/Downtown, 369 West Vine Street, Lexington, KY 40507. The room rate is $182 plus tax, currently at 13.4 percent, for reservations made through September 24 or sell-out. Call 1.859.231.9000 or toll free 1.877.539.1648 and ask for the EMLF Group rate. Check-in time is 3 p.m. and check-out time is noon. Cancellations must be made by 3 p.m. the day prior to arrival. Failure to cancel a guaranteed reservation prior to 3 p.m. on the day prior to arrival will result in a no-show charge. Or go to the EMLF website — www.emlf.org — for a link to online registration.

With a stay at Hilton Lexington/Downtown, you'll be centrally located in Lexington, opposite the University of Kentucky. The area is rich in history, culture and recreation, and is easily accessible to the University of Kentucky campus and historical sites like the Lincoln Heritage Trail. You will be just minutes away from world-class shopping, restaurants andpoints of interest. All the major travel hubs are just a short distance away, and the hotel is convenient to the Blue Grass Airport. The hotel is also a short drive from the world-renowned Keeneland racetrack for horse racing, delicious food, and beautiful views of Kentucky’s countryside. A limited number of these rooms are available. Please indicate on your registration form whether you will attend. Tickets are complimentary with conference registration. Guaranteed rooms are available for $10.

Join us for an afternoon at the races! After Thursday’s program concludes, meet your fellow conference attendees at the world-renowned Keeneland racetrack for horse racing, delicious food, and beautiful views of Kentucky’s countryside. A limited number of these tickets are available. Please indicate on your registration form whether you will attend. Tickets are complimentary with conference registration. Guaranteed rooms are available for $10.