

EMLF Strategic Plan

July 1, 2014 – June 30, 2017

***Approved by the Board of Trustees
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The Foundation's Vision:

To serve as a nationally recognized provider of education and information on energy, mineral and natural resources law.

The Foundation's Mission:

To foster the study of energy, mineral and natural resources law through quality, cost-effective and timely education; law student scholarships; and a continuing forum for the intellectually honest examination of the law.

The Foundation's Objectives:

Objective 1: Achieve continued excellence in energy, mineral and natural resources law education and scholarship through educational programs and publications.

Objective II: Expand the field of individuals and organizations that choose the Foundation as a primary source of education, dialogue and information related to energy, mineral and natural resources issues.

Objective III: Encourage law students and new lawyers to practice energy, mineral and natural resources law and increase their awareness of the role of those industries.

Objective IV: Fulfill the Foundation's Mission while maintaining the Foundation on sound financial footing.

Objective V: Promote high standards of integrity and professionalism, and encourage collegial relations among legal practitioners and professionals in the natural resources, mineral and energy sectors.

Assumptions:

- Industry activity will remain stable or decline in coal and will remain stable or increase in oil and gas over the Strategic Plan period.
- The "consumer's" market for professional education services will become increasingly competitive.
- Barring unforeseen extraordinary costs, the annual operating budget can be supported primarily through membership dues and program registrations.

Strategic Issues:

Introduction

During the period covered by the first Strategic Plan (1999-2005), the key issue was stabilizing cash flow. The focus was on membership retention and moderate membership growth, combined with efforts to increase registration income and obtain sponsor support for the Annual Institute, Kentucky Mineral Law Conference, and the Winter Workshops on Energy Law.

Building upon the Foundation's progress, objectives of subsequent strategic plans have been to continue membership growth and participation, and continue providing a forum for the honest examination of issues in energy, mineral and natural resources law. The 2011 to 2014 Strategic Plan included a new objective: to expand our educational offerings to international issues of importance to the Foundation's members.

The 2014 to 2017 Strategic Plan acknowledges the declining market share of coal and the increase of natural gas, while noting the historical boom-and-bust characteristic of the natural gas market. The plan additionally notes the importance of utilizing effective use of technology to carry out the organization's mission.

Strengths

The Foundation possesses a number of strengths on which to build success:

- Membership stability, subject to occasional changes in group or individual memberships;
- Revenue stability, with occasional fluctuation primarily attributable to investment performance;
- Presentation of high quality programs at an attractive price;
- Substantial experience with program development;
- Substantial experience with significant self-published materials;
- Positive name recognition as an educational provider;
- Experienced professional and administrative staff capable of supporting the Foundation's mission;
- Membership base which includes major producers of energy products and attorneys, consultants and other professionals who serve the industry;
- Organizational support from Foundation members who volunteer to plan programs and speak on energy, mineral, and natural resources law issues;
- Positive recognition of the Foundation's *Energy & Mineral Law Institute* publication (Annual Institute proceedings) as a valuable legal research tool; and
- Positive recognition that the Foundation's programs provide excellent opportunities for legal training, scholarship, professional interaction and idea-sharing.

Challenges

The strengths of the Foundation exist in an environment marked by challenges. Certain factors pose substantial challenges to the ongoing success of the Foundation:

- Membership size limitations due to fossil fuel focus;
- Limited staff size affecting ability to take on more programs and projects;
- Limited number of members with institutional knowledge;

- Perception of narrow program topics;
- Lack of “brand” to new/different audiences
- Perception of lack of member opportunity for involvement;
- Dynamic and changing nature of the regulatory environment;
- Continued competition from educational providers such as bar associations, industry organizations, commercial seminar providers, and law firms that provide free specialized programs for clients

Emerging Strategic Issues

The Foundation’s future success is likely to be affected by its response to emerging issues:

- Energy conservation, climate change and renewable energy initiatives;
- Policy decisions impacting the regulation of energy, mineral and natural resources production and delivery;
- Declining market share of coal in meeting U.S. energy needs;
- Technological development that has enhanced unconventional energy sources;
- Economic cycles, particularly in the energy industry that may impact program attendance;
- Trends by organizations toward alliances or partnerships as a means of sharing resources or customer bases;
- Developments in electronic access to information that alter traditional concepts of publication and legal research tools; and
- Availability of electronic and on-line professional education programs that may impact attendance at traditional group settings.

Foundation Goals and Strategies

Objective I: To achieve continued excellence in energy, mineral and natural resources law education and scholarship through educational programs and publications.

Goal 1: Strengthen and enhance the Foundation’s programs.

Strategy 1: Recruit the highest quality speakers for each program, and when appropriate, invite knowledgeable speakers who are prominent businesspersons, academics or

regulators.

Action Step 1: Programming Committee to evaluate current solicitation and recruitment processes and, if desirable, implement a standardized solicitation and recruitment tool for presentation candidates.

Action Step 2: Programming Committee to evaluate and, if desirable, implement an electronic evaluation system (including real time availability).

Action Step 3: Analyze attendance data and attendee feedback from last two cycles of Foundation programs to identify presentation requests and gaps in presentations

Action Step 4: Incorporate minimum of one unit of Ethics and Professionalism CLE in Annual Institute and Kentucky Mineral Law Conference programs.

Action Step 5: During Core Programs build in time and venues for interaction among members to facilitate professionalism, collegiality and friendship among energy sector professionals

Strategy 2: Expand programming beginning in 2015 to attract audiences and membership in areas of law beyond the Foundation's traditional emphasis.

Action Step 1: Identify appropriate topics and invite Canadian producer/NGL liquids pipeline operator and/or international coal importer for discussion of international trade issues, including use of the annual Winter Workshop program format.

Action Step 2: Develop stand-alone program and invite speakers to address mid-stream issues, including (for example) land acquisition; local land use restrictions; environmental permitting and siting of processing plants and pipelines; rail, and truck and water transport environmental issues.

Goal 2: Develop the Foundation's educational focus to be nimble and

responsive to current issues of importance to Foundation members.

Strategy 1: Identify topics and programs of interest to the EMLF community.

Action Step 1: Executive Committee will commission a Programming Committee to timely identify and recommend new areas and topics that should be addressed on a continuing basis in EMLF core programs, in addition to “hot topics” as they arise.

Action Step 2: Tech/Media subcommittee of the Programming Committee identifies the media for getting these programs to the community in a timely manner: podcasts, webcasts, workshops, teleconferencing, etc.

Strategy 2: Explore strategic alliances with other organizations to expand the topics and areas of education that we are covering.

Action Step 1: Identify legal organizations of interest to work with and designate volunteer “liaisons” with the Center for American and International Law (CAIL), the Rocky Mountain Mineral Law Foundation (RMMLF), the ABA Natural Resources Committee and others.

Action Step 2: Identify non-legal organizations of interest to work with and designate volunteer “liaisons” with the American Association of Professional Landmen (AAPL), National Association of Lease Analysts (NALA) and others.

Action Step 3: Learn about existing relationships and potential opportunities to partner.

Action Step 4: Reach out to potential organizations and discuss alliances.

Goal 3: Make available high-quality secondary sources of energy, mineral and natural resources law scholarship for the benefit of the bar; the energy, mineral and natural resources industries; law schools; the judiciary; and government regulatory agencies.

Strategy 1: Create a Tech/Media subcommittee to consider establishing a searchable members blog within www.emlf.org to allow members to post recent developments, firm publications, secondary sources of interest and links to useful publications.

Strategy 2: Use the Tech/Media subcommittee to increase awareness and utilization of existing white papers & publications on the EMLF website and notify members when new material is posted.

Objective II: Expand the field of individuals and organizations that choose the Foundation as a primary source of education, dialogue and information related to energy, mineral and natural resources issues.

Goal 1: Expand the breadth of the Foundation's education programs both geographically and substantively, increasing programs of interest to all energy sectors, and thereby increasing participation and membership in the Foundation.

Strategy 1: Explore the use of available technology to reach additional programming audiences and membership.

Action Step 1: Evaluate the use of Webinars and podcasts to provide introductory programming in geographical areas identified in Strategy 2.

Action Step 2: Explore the use of social media as a communication tool.

Action Step 3: Establish technology/media subcommittee of the Programming Committee to explore the mechanics, costs and delivery methods involved.

Strategy 2: Develop programs and increase membership of practitioners in geographical areas not traditionally served.

Action Step 1: Explore offering programming and targeting membership in new potential shale plays, including Michigan, North Carolina, Alabama and Mississippi.

Action Step 2: Explore offering programming and

targeting membership in the Illinois Basin.

Strategy 3: Revive and designate the Membership Committee to recruit potential new members.

Action Step 1: Conduct person-to-person membership drive under leadership of the Membership Committee with the goal of expanding Sustaining Members to at least 75 by the end of the Strategic Plan period.

Action Step 2: Expand the opportunities for member participation by actively recruiting volunteers to serve on committees, including but not limited to written notification to all members identifying the committees and seeking commitments to serve from all members annually.

Action Step 3: Develop a system of on-going contact with existing members to determine how well the organization is serving its constituents and assigning designees to work on behalf of the committee to accomplish these on-going wellness checks and necessary follow up.

Action Step 4: Membership Committee to consider developing a survey to identify interest areas and willingness to volunteer.

Goal 2: Provide information, education and training on natural resources, mineral and energy law issues to non-legal professionals, including land professionals and lease analysts.

Objective III: Encourage law students and new lawyers to practice energy, mineral and natural resources law and increase their awareness of the role of those industries.

Goal 1: Provide educational content to law students and practitioners focused on energy, mineral and natural resources law.

Strategy 1: Establish a Law School/Student Committee with a subcommittee of law faculty and practitioners with adjunct faculty experience.

Action Step 1: Law School/Student Committee to undertake and evaluate opportunities to utilize web based platform to host law school content focused on energy, mineral, and natural resource law.

Action Step 2: Leverage relationships with member law schools (or potential new law school members) looking to add or offer educational content.

Action Step 3: Outreach to law schools about developing energy curriculum.

Goal 2: Expand awareness of EMLF by developing additional opportunities for law student career outreach.

Strategy 1: Establish a subcommittee of the Law School/Student Committee to focus on developing relationships with law students and member law schools, and institutionalize careers in energy program and networking; attract additional member law schools to EMLF.

Action Step 1: Subcommittee to work on careers in energy presentations for fall 2014.

Action Step 2: Explore opportunities for regional networking opportunities for students.

Action Step 3: Explore opportunities to establish informal mentoring program for law students that are interested in EMLF.

Action Step 4: Explore opportunities to establish a fund to provide assistance to law students with an interest in EMLF that want to attend the Kentucky Mineral Law Conference.

Objective IV: Fulfill the Foundation's Mission while maintaining the Foundation on sound financial footing.

Goal 1: Fully fund budgeted scholarships awarded by the Foundation from sources other than operating revenues.

Strategy 1: Finance Committee to explore other sources of

revenue to fund scholarships.

Action Step 1: Consider dedicating a percentage of the annual gains generated by the Foundations' Endowment Fund to partially fund scholarships.

Action Step 2: Establish an annual giving campaign among Trustees for a minimum contribution of \$100/Trustee with a goal of raising a minimum of \$10,000.00 annually in support of scholarships.

Goal 2: Establish a governance structure for the Foundation, as necessary, to better fulfill the Foundation's mission.

Strategy 1: A Governance subcommittee created by the Executive Committee shall examine the Foundation's by-laws to determine whether, as currently configured, they optimally support the Foundation's mission (e.g. board and committee structure) and to modify the by-laws, if appropriate, consistent with the Foundation's mission.

Action Step 1: A Governance subcommittee is created by the Executive Committee at its 2014 annual meeting.

Action Step 2: The Governance subcommittee conducts review of by-laws and publicly available resources to identify opportunities for improvement and best practices by end of 4Q2014.

Action Step 3: The Governance subcommittee recommends modifications (if any) to standing committee structure and by-laws to Executive Committee for implementation after Annual Institute 2015.

Goal 3: Increase revenue through an increase in membership.

Strategy 1: Increase the number of Sustaining Members annually during the planning period to a minimum of 75 by the end of the planning period.

Strategy 2: Consider the merits of increasing the dues structure during the planning period and seek input from

Trustees.

Goal 4: Evaluate and ensure that Foundation revenue and expenses are in accordance with the approved budget for the current fiscal year and that all additional human and financial resources necessary to accomplish the Plan are available during the planning period.

Strategy 1: The Finance Committee shall review the year-over-year quarterly financial reports semi-annually and compare revenues and expenditures v. the approved budget and take such action as necessary to address discrepancies.

Strategy 2: The Finance Committee, in consultation with the Treasurer and the Executive Director, shall assess and recommend to the Executive Committee a budget that supports ongoing operations.

Strategy 3: Staff resources shall be evaluated by the Executive Committee and supplemented as necessary to support implementation of the Strategic Plan.

Action Step 1: The Executive Committee, in consultation with the Executive Director, shall assess the need for incremental staff or supplemental third-party vendor resources to accomplish the goals of the Strategic Plan in the next year.

Action Step 2: If necessary, the Executive Committee shall constitute a Human Resources subcommittee to make recommendations to the entire Executive Committee for staff additions or retention of third-party vendor resources.

Goal 5: Establish a leadership sustainability plan for the organization such that both Staff transition and Executive Committee selection processes are seamless and allow for the identification of quality candidates.

Strategy 1: A Leadership Succession subcommittee (LSC) of the Executive Committee appointed by the Executive Committee will define a plan along an estimated 3 to 5 year timeline for Executive Director succession.

Action Step 1: The LSC is appointed by the Executive Committee at its 2014 annual meeting.

Action Step 2: The LSC will develop a thorough Executive Director position description by the end of 2014.

Action Step 3: Working with that position description, the LSC will submit to the Executive Committee by June 2015 a defined process for selecting an Executive Director successor that is built on human resources best practices.

Strategy 2: The LSC will define a leadership development plan for the entire Executive Committee and potentially other key Board positions with the intention of utilizing board talent and increasing volunteer participation.

Action Step 1: Solicit Executive Committee member(s) to participate on the various newly created committees.

Action Step 2: Populate committee and subcommittee appointments with Board members who volunteer to participate.

Objective V: Promote high standards of integrity and professionalism, and encourage collegial relations among legal practitioners and professionals in the natural resources, mineral and energy sectors.

Goal 1: Develop a Foundation plagiarism and re-publication policy.

Strategy 1: Review current policy and practice of the Foundation on plagiarism and re-publication of EMLF papers and presentations and, if deemed appropriate, supplement or replace them.

Action Step 1: Establish a Plagiarism sub-committee of the Programming Committee.

Action Step 2: Examine publically available policies of other organizations for guidance.

Action Step 3: Complete the preparation of a draft plagiarism and re-publication policy.

Action Step 4: Analyze the current speaker release form and modify as appropriate.

Strategy 2: Require EMLF presenters to disclose all secondary sources of information used for slides and presentations and encourage presenters to add a slide of useful resources to presentation materials.