

Energy & Mineral Law Foundation
37th Annual Institute
June 12-14, 2016

Speakers' Biographies – *In Order of Speaking*

Monday, June 13, General Session

Welcome and Introductions

**G. Brian Wells, *EMLF PRESIDENT*
Wyatt Tarrant & Combs, LLP**

Brian Wells concentrates his practice in the area of general business law, mergers and acquisitions, real estate lending transactions, commercial leasing, and contract drafting and negotiation. He has also represented a variety of clients in commercial litigation matters before both state and federal courts. Mr. Wells is a member of the Corporate and Securities Service Team and is the Co-Service Team Leader of the Firm's Natural Resources & Environmental Service Team.

Mr. Wells has been included in Woodward/White's The Best Lawyers in America® since 2013 and has been listed as a Rising Star in Kentucky Super Lawyers since 2015. Mr. Wells is President of the Energy & Mineral Law Foundation. He is a director of the Kentucky Coal Association and a member of the Lexington Economic Development and Investment Board, the Lexington Coal Exchange, the Ohio Oil and Gas Association, the Indiana Coal Council, the Rocky Mountain Mineral Law Foundation and the Kentucky and American Bar Associations.

Mr. Wells received his B.A. degree in 2001 from the University of Kentucky, his J.D. degree in 2004 from the University of Louisville and his LL.M in 2005 from Georgetown University. He is admitted to practice in the United States District Court, Eastern and Western Districts of Kentucky and the United States Tax Court.

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**Kevin K. Douglass, *PROGRAM CHAIR*
Babst Calland**

Kevin Douglass is a shareholder in Babst Calland's Litigation Services and Energy & Natural Resources groups. Mr. Douglass has more than twenty-five years of experience litigating complex commercial matters in a variety of forums including federal, state and bankruptcy courts. His trial experience includes multiple jury trials, bench trials and preliminary injunction hearings. Mr. Douglass also has participated in numerous forms of alternative dispute resolution including mediations, mini-trials and arbitrations.

Mr. Douglass represents natural resources and energy clients in a variety of litigation matters involving pipeline construction, lease and title disputes, supply agreements and challenges to municipal ordinances. Mr. Douglass is a member of the Firm's Energy and Natural Resources Group and is immediate Past-President and an Executive Committee member of the Energy & Mineral Law Foundation (EMLF), a non-profit educational

organization focused on legal issues related to the energy and mineral industry. He is also a member of the Marcellus Shale Coalition, an organization committed to the responsible development of natural gas.

Mr. Douglass has extensive experience handling a wide range of commercial litigation matters that frequently require a deep understanding and analysis of company financial information. He works closely with forensic accounting firms in matters involving allegations of financial improprieties, as well as business valuations and damage calculations. For example, Mr. Douglass manages and litigates ownership disputes on behalf of majority, minority and equal business owners, director/officer liability issues, fraud and negligent misrepresentation claims, restrictive covenant and trade secret violations and construction matters.

Mr. Douglass graduated *magna cum laude* from Mount Union College in 1983 with a B.A. in History. 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 has been listed in *The Best Lawyers of America*® in the Natural Resources Law Section since 2013. He has also been recognized as one of Pennsylvania's top business litigation lawyers since 2012, according to an annual survey published in *Philadelphia* magazine.

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“The State of the Energy Business”

Seth Schwartz
President, Principal
Energy Ventures Analysis, Inc.

Energy Ventures Analysis, Inc. has been a key player in the energy industry since 1981. With offices in Arlington, Virginia, and Pittsburgh, Pennsylvania, the experts at Energy Ventures Analysis guide clients to sound investment and operational decisions regarding the energy industries. As President, Mr. Schwartz is responsible for a wide variety of studies of energy supply and demand. The studies have included assisting utilities, industries, and independent power producers in developing fuel procurement strategies and in negotiating long-term fuel contracts; auditing utility fuel procurement practices, system dispatch, and off-system sales; directing EVA's analyses of coal supply and demand; testifying in fuel contract disputes; and assisting companies in acquisitions and sales of coal reserves and producing properties.

Mr. Schwartz earned his B.S.E. in Geological Engineering at Princeton University.

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“Powering the Energy Company of the Future”

Charles R. Patton

Appalachian Power, *A unit of American Electric Power*

Charles Patton is president and chief operating officer of Appalachian Power, serving approximately 1 million customers in West Virginia, Virginia and Tennessee. Patton has approximately 30 years in the electric utility business and has served in numerous capacities throughout AEP.

Previously, Patton served in Columbus at the parent company headquarters of American Electric Power as executive vice president – AEP Utilities West and senior vice president – Regulatory and Public Policy. Prior to these roles, a significant amount of Patton’s career was in Texas where he served as president and chief operating officer of AEP Texas as well as in other executive positions. During his tenure in Texas, Patton was appointed by former Texas Gov. George Bush to serve on the Texas Energy Coordination Council and the Interstate Oil and Gas Compact Commission. Later, Gov. Rick Perry appointed Patton to the Texas Energy Planning Council, which was established to advise the governor on energy matters.

As president of Appalachian Power, Patton has been appointed by West Virginia Gov. Earl Ray Tomblin to chair the state’s Science Technology Engineering and Math (STEM) Council, charged with advancing STEM education in West Virginia. He also has been appointed by Virginia Gov. Terry McAuliffe to serve on the Climate Change and Resiliency Commission.

Patton was appointed to the Federal Reserve Bank of Richmond’s board of directors for a three-year term beginning in 2014. He also serves on the board of Sterling Construction, a large public engineering and construction company located in Houston.

Patton has served and chaired numerous professional and civic organizations in the communities in which he has lived. Charles and his family live in Charleston, W.Va., where he currently serves on the boards of the University of Charleston, the West Virginia Education Alliance, the West Virginia Regional Technology Park and the Buckskin Council of the Boy Scouts of America. At AEP, he is an executive sponsor of the African-American Employee Resource Group (AAERG).

He is an undergraduate of Bowdoin College, located in Brunswick, Maine, and holds a graduate degree from The University of Texas LBJ School of Public Policy.

Charles R. Patton, President and COO, Appalachian Power, P.O. Box 1986, Charleston, WV, 25326-1986; 304.348.4125; crpatton@aep.com

“Federal Mitigation with Project Development”

James M. Auslander

Beverage & Diamond PC

James (Jamie) Auslander’s legal practice focuses on environmental, natural resources, and administrative law and litigation. Mr. Auslander represents numerous major and small businesses, trade associations, and state agencies in a wide range of regulatory and litigation matters, both national and local in scope. He serves clients in all phases of

a case, including internal compliance, administrative proceedings and negotiations, and litigation when necessary.

Mr. Auslander devotes a significant part of his practice to counseling and litigation under the National Environmental Policy Act ("NEPA") and similar state laws. He has represented public and private clients in building strong administrative records and robust NEPA analyses to support complex projects and proposals.

Another cornerstone of Mr. Auslander's practice addresses complex legal issues surrounding development of oil and gas, hardrock minerals, other natural resources, and renewable energy on public lands onshore and on the Outer Continental Shelf ("OCS"). Mr. Auslander assists multinational corporations, domestic companies, and leading industry trade associations in protecting valuable lease rights and navigating the ever-changing environmental requirements to develop those leases.

Mr. Auslander received his legal degree from Harvard Law School (J.D., 2005) and his undergraduate degrees in Public Policy Studies and Economics, as well as a Certificate in Health Policy, from Duke University (B.A., *magna cum laude*, 2002). While attending Harvard, Mr. Auslander served as President of the Harvard Environmental Law Society (2003-04) and Line Editor on the Harvard Environmental Law Review. Mr. Auslander previously worked as a law clerk in the Environmental and Natural Resources Division, Law and Policy Section, of the U.S. Department of Justice, and as policy intern in the Director's office of the U.S. Export-Import Bank, focusing on international environmental policy.

Mr. Auslander has been selected for inclusion in Super Lawyers Editions 2014 and 2015 as a "Rising Star."

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Randy Wilgis
Chief Solutions Officer
Resource Environmental Solutions

Randy leads company efforts to develop solutions for complex mitigation challenges in the species sector and other target markets. Randy joined RES with the EBX acquisition in 2014. Prior to RES, he led the development of the Carolina Heelsplitter Mitigation Bank and the Waccamaw Mitigation Bank, both precedent-setting projects for the South Carolina region, and provided oversight of multiple turnkey mitigation projects for major economic development initiatives in the area. In addition to his company responsibilities, Randy is a past President of the National Mitigation Banking Association and participates in the Association's Rules & Legislative Committee. Past board positions include being the Founding Board Chair of the South Carolina Calvert Academy, a virtual public charter school serving the needs of over 300 elementary school children. He also speaks at a multitude of industry events, and is an instructor for the Conservation Leadership Network.

Prior to joining EBX, Randy was a Senior Vice President with TESSCO Technologies, where he founded three service businesses with combined annual revenues of over \$250 million in 2004. He received his BSE from the Duke University School of Engineering, and MBA from the University of Virginia-Darden School of Business.

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Ethics – “Ripped from the Headlines: Politics, Scandal and Professional Responsibility”

Kevin Colosimo Frost Brown Todd LLC

Kevin Colosimo's practice spans the areas of oil and gas litigation, energy law, and business and contract law. He also has experience in international trade and creditors' rights, and has provided counsel to clients on a wide range of other legal matters that include risk management alternatives, claims assessment, and litigation strategy. Kevin was drawn to practice energy law by the entrepreneurial spirit and potential of the burgeoning oil and gas industry in Appalachia. He serves as the Member-in-Charge of FBT's Pittsburgh office.

Kevin is a frequent author and speaker on legal issues facing the oil and gas industry, having presented at the EMLF's Annual Institute, Kentucky Mineral Law Conference, CAIL's Institute for Energy Law and Law of Shale Plays Conference and numerous other bar and industry sponsored conferences. He is a regular advocate for the oil and gas industry at the State Capitol in Harrisburg. He served as a Member and Committee Co-Chair of the Marcellus Shale Roundtable sponsored by the University of Pittsburgh's Institute of Politics. He serves as an officer and trustee for the Energy & Mineral Law Foundation. Kevin is a member of the United Way of Allegheny County's Tocqueville Society, the Advisory Board of the Salvation Army of Greater Pittsburgh and a Trustee of Seton Hill University in addition to involvement with various local charities. Kevin is AV rated by the Martindale-Hubbell Law Directory.

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Luncheon Speaker – “South Carolina’s Changing Energy Portfolio”

Daniel F. Kassis, Luncheon Speaker South Carolina Electric and Gas Company

Danny Kassis is the Vice President of Customer Relations and Renewables for South Carolina Electric and Gas Company. His areas of responsibility include the large customer group, customer service engineering, lighting, right of way, pole attachments, demand side management, and the renewables business unit. Kassis has worked for South Carolina Electric and Gas for over 30 years and he has held the top operating position in both gas and electric operations in the Charleston area. Kassis was promoted to Vice President in February of 2012.

Kassis presently serves on the board of directors of the Charleston Area Communities In Schools, the National Kidney Foundation of South Carolina, and the MUSC Hollings Center Advisory Council. Kassis is also a past president of the Executive Association of Greater Charleston and the Rotary Club of North Charleston. He also previously served on the board of the Trident United Way, the Charleston Metro Sports Council, ThinkTEC, the Charleston Metro Chamber of Commerce, the Coastal Carolina Chapter of the Boy

Scouts, and the Charles Towne Landing Foundation.

Kassis graduated from Clemson University in 1986 with a B.S. in Mechanical Engineering and is a registered professional engineer in the state of South Carolina. He currently serves as a member of Clemson's Board of Visitors and is past Chairman of the Legislative Committee.

He is married to the former Amy Nicholson of Columbia, South Carolina, and they have two children, Anna (18) and Daniel, Jr. (15). Kassis and his family are members of the Cathedral of St. John the Baptist.

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“Perspectives from the Bench: An Overview of Energy Industry Bankruptcies”

The Honorable Judith K. Fitzgerald Tucker Arensberg, P.C.

Judge Fitzgerald has more than 25 years of experience as a Bankruptcy Judge, having presided over matters in the Western District of Pennsylvania (where she was chief judge for five years), as well as in the District of Delaware (20 years), the Eastern District of Pennsylvania (8 years) and the U.S. Virgin Islands (9 years). During her tenure as a bankruptcy judge, Fitzgerald presided over many significant corporate cases including: *Flintkote, Kaiser Aluminum, Corp., Owens Corning, W.R. Grace, Pittsburgh Corning Corporation, Armstrong World Industries, United States Mineral Products, U.S.G., Specialty Products Holding Corp., Maronda Homes, Fleming Steel Company, Federal-Mogul Global, Innovative Communications Corp., Just For Feet, Inc., WorldClass Processing, Inc., Combustion Engineering, Inc., Peregrine Systems, American Pad & Paper Co., PHP Healthcare Corporation, Color Tile, Inc., Italian Oven, Shannopin Mining, Busy Beaver Bldg. Centers, and Papercraft Corporation.*

Judi has unique experience in mass tort bankruptcies, having adjudicated more cases involving section 524 asbestos trusts than any other bankruptcy judge in the country. She has an extensive trial background and frequently served as a settlement judge and mediator. She was the sole judge hearing all chapter 13 cases in the Western District of Pennsylvania and Delaware for many years.

Judi is a regular national speaker, moderator and panel member on bankruptcy, evidence and litigation topics. Judge Fitzgerald is an author on bankruptcy law. Among her publications are *The Rutter Group National Practice Guide – Bankruptcy* (ThomsonReuters) which she co-edits, and *Bankruptcy and Divorce, Support and Property Division* (Aspen) which she co-authored. She also served as an associate editor of *The American Bankruptcy Law Journal*.

In addition to practicing law, Judge Fitzgerald taught contracts, commercial law and bankruptcy courses at the Indiana Tech Law School as a tenured faculty member. She also teaches bankruptcy law and advanced bankruptcy law at the University of Pittsburgh School of Law.

Among her recognitions, Judi was awarded the prestigious Lawrence P. King Award for her professionalism and actions to expand the scope of educational opportunities for

bankruptcy professionals. She was designated as one of the top 10 bankruptcy jurists of the year several times by Turnaround and Workouts.

Before being appointed as a bankruptcy judge in 1987, Judi was an Assistant United States Attorney in the Western District of Pennsylvania, with a concentration in complex frauds and criminal tax cases.

The Honorable Judith K. Fitzgerald, Tucker Arensberg, P.C., 1500 One PPG Place, Pittsburgh, PA 15222; 412.594.3933; jfitzgerald@tuckerlaw.com

“Protecting Personal Assets of Directors and Officers Ahead of Potential Bankruptcy”

Carrie O’Neil
Senior Vice President
JLT Specialty USA

Carrie joined the JLT Legal and Claims Practice in April 2016 as Senior Vice President. In addition to her national role in servicing and advising clients and brokers on complex management liability issues and claims, Carrie serves as US Financial Lines Product Leader, driving innovation and solutions in the fast paced world of management liability.

Carrie has over 15 years of experience in the insurance industry. Prior to joining JLT, Carrie spent two years at Berkshire Hathaway Specialty Insurance where she served as Head of Product Development for the Executive and Professional Lines team. Her duties included drafting all insurance products, negotiating and drafting all endorsements and manuscript policies, and educating the E&P team on management and professional liability coverage issues. Prior to Berkshire Hathaway, Carrie was Managing Director of the Financial Services Group and Directors and Officers/Fiduciary Liability National Practice Leader at AON in Denver, and Senior Vice President in the Financial Services Group at AON in San Francisco. Prior to that, Carrie served as Client Advisor and Claims Advocate at Marsh Risk Services for four years. Before entering the insurance industry, Carrie served as Director of Business and Legal Affairs at SF Interactive, Inc. in San Francisco, and as Associate General Counsel for Vail Resorts, Inc. in Colorado

Carrie received both her Bachelor of Arts and Juris Doctorate degrees from the University of Virginia.

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“Judicial Review of EPA’s Clean Power Plan”

Thomas A. Lorenzen
Crowell & Moring LLP

Tom Lorenzen is a partner in Crowell & Moring's Washington, D.C. office and is a member of the Environment & Natural Resources and Government Affairs groups. Tom works with clients seeking to successfully navigate the federal environmental rulemaking process.

With a decade of Justice Department experience managing the legal defense of all EPA rules, Tom has a unique ability to help clients shape environmental policy, provide vital input on proposed federal environmental regulations through written comment and direct interaction with regulators, and mount effective judicial challenges to EPA actions that adversely affect his clients' interests. Tom also helps clients ensure compliance with existing environmental regulations. In addition, he is a noted appellate lawyer who has briefed, argued, or supervised hundreds of petitions for review of EPA regulations and other final EPA actions.

While he was at the Department of Justice, Tom oversaw many of the seminal environmental cases of the last decade. These include *Massachusetts v. EPA*, in which the Supreme Court affirmed EPA's authority to regulate greenhouse gases under the Clean Air Act, and *Entergy v. Riverkeeper*, in which the Court held that EPA has discretion under the Clean Water Act to consider or decline to consider costs in determining how to regulate cooling water intake structures. In the D.C. Circuit and the other federal courts of appeals, he oversaw the government's defense in *Coalition for Responsible Regulation v. EPA*, in which the court upheld EPA's first suite of greenhouse gas regulations (largely upheld by the Supreme Court in *Utility Air Regulatory Group v. EPA*); *EME Homer City Generation, L.P. v. EPA* and *North Carolina v. EPA*, in which the court reviewed EPA's various attempts to address interstate transport of air pollutants; numerous cases challenging EPA regulations governing emissions of hazardous air pollutants; and *National Cotton Council v. EPA*, in which the Sixth Circuit reviewed EPA's Clean Water Act regulations governing the application of pesticides over waters of the United States.

Tom is a frequent lecturer and commentator in print, on the internet, and on television regarding federal environmental law, climate change regulation, administrative law, federal policymaking, and effective appellate brief-writing and argument.

Tom earned his J.D. at the Harvard Law School and his B.A. at the University of California at Los Angeles.

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“Surprise! You Are a Joint Employer.”

**Erin E. Magee
Jackson Kelly PLLC**

Erin E. Magee is a Member of Jackson Kelly PLLC working in the Litigation Practice Group. Her practice currently focuses on labor and employment consultation and litigation, ERISA matters and commercial litigation for energy-industry clients.

Ms. Magee consults daily with employers about work-related issues, including wage and hour problems, employee leave and benefit questions, reductions in force, drug testing, workplace privacy concerns, personnel policy and handbook drafting and employee discharge and discipline issues. In addition, she regularly provides training and speaks at seminars, conferences and workshops on these topics, particularly focusing on the issues of harassment, discipline and the overlap between FMLA, ADA and workers' compensation laws.

Ms. Magee also regularly litigates on behalf of employers in state and federal court, as well as before the West Virginia Human Rights Commission, the Equal Employment Opportunity Commission, the National Labor Relations Board and in arbitration. In the course of her practice, Ms. Magee has handled age, gender, disability and workers' compensation discrimination, wrongful discharge, sexual harassment, wage and hour, FMLA, employee benefit, breach of contract, deliberate intent, wrongful death and workplace safety lawsuits.

Chambers USA has recognized Ms. Magee for her work in the labor and employment field. In the 2011 edition, Ms. Magee is noted by sources as "always on top of everything - up on changes in the law and skilled in the courtroom." She is listed in Woodward/White's *The Best Lawyers in America*[®] in labor and employment law, and is named by *Law & Politics* as a West Virginia Super Lawyer[®].

Ms. Magee is a member of the Executive Committee and Treasurer of the Energy & Mineral Law Foundation and served on its Strategic Planning Committee. She is a founding member and past-President of the Women's Energy Network's Appalachia Chapter, which presented her with its Pioneer Award for leading new ideas that pave the way for others. Additionally, she is recognized in Who's Who in Energy by the Pittsburgh Business Times.

Active in the community, Ms. Magee is a former member and officer of the Board of Directors of the YWCA of Charleston and past-President of the Boards of Directors of the Kanawha Pastoral Counseling Center and the Children's Therapy Clinic Board. She also is a graduate of the West Virginia Chamber of Commerce's Leadership West Virginia program and is a member of the Chamber's Human Resources Committee.

A native of Columbus, Ohio, Ms. Magee received her undergraduate degree from the College of William and Mary in Virginia in 1989 with a concentration in government and a minor in history. She received her law degree from William and Mary's Marshall Wythe School of Law in 1992. She is admitted to the West Virginia Bar, the Pennsylvania Bar, the United States Court of Appeals for the Fourth Circuit and the United States District Courts for the Northern and Southern Districts of West Virginia and the Western District of Pennsylvania.

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**C. David Morrison
Steptoe & Johnson PLLC**

C. David Morrison, Steptoe & Johnson PLLC, was Chair of the firm's Labor and Employment Department from 1994 to 2010. His office is located in Bridgeport, West Virginia. He has 35 years of experience in employment counseling, supervisory training and litigation in state and federal courts as well as before federal agencies. This past year, he was selected by West Virginia Supreme Court Justice Menis Ketchum to assist in drafting pattern jury instructions for employment cases in West Virginia state courts.

Currently, David is a past President of the Energy & Mineral Law Foundation ("EMLF"), a permanent member of the Fourth Circuit Judicial Conference, a member of the Employment Law Committee of the West Virginia State Bar, and a member of the

Employment Law Section of the American Bar Association. In 2012, he received the McClaugherty Award from the EMLF.

David is a Fellow in the College of Labor & Employment Lawyers and a Fellow of the West Virginia Bar Foundation. He has presented over 75 seminars, and has served as an adjunct lecturer on both trial advocacy and pre-trial strategies at the West Virginia University College of Law.

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Tuesday, June 14 – Breakout Session A

“New and Unsettled Issues in Federal Natural Gas Act Condemnation and State Law Condemnation in the Marcellus and Utica Shale Plays”

Stefanie L. Burt
Reed Smith LLP

Stefanie is a senior associate in Reed Smith's Energy & Natural Resources Group. She focuses her practice on oil and gas law, energy litigation, and environmental litigation and regulatory work. Stefanie represents natural gas companies in a wide variety of litigation, including lease and contract disputes, royalty disputes, encroachments, condemnations, dormant mineral act claims, personal injury claims, and adversary proceedings in bankruptcy. Stefanie also provides counsel on pipeline and natural gas storage issues, including negotiating and preparing right-of-way and easement agreements for her clients. Stefanie has a broad environmental law background, with experience in federal environmental litigation, environmental administrative hearings, advising on federal and state regulatory compliance and permitting issues, and performing environmental due diligence. She regularly practices in state and federal courts in Pennsylvania, Ohio, and New York, and also has experience in alternative dispute resolution.

Stefanie was an Adjunct Professor of Oil and Gas Law in 2014 and 2015 at the Duquesne University School of Law and an Adjunct Professor of Scholarly Writing in 2010-2011 at the George Washington University Law School.

Stefanie received her J.D., with honors, from George Washington University Law School. While there she served on *The George Washington International Law Review* – Notes Editor and as a Dean's Fellow for the Legal Research and Writing program. She earned her B.A., *magna cum laude*, from the University of Pittsburgh.

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Ariel Nieland Forbes
Reed Smith LLP

Ariel is a senior associate in the Energy & Natural Resources Group and focuses her practice in the areas of general regulatory and commercial litigation, energy litigation, and oil and gas law. In particular, Ariel has significant experience in resolving contract and lease disputes, dormant mineral act claims, environmental issues, and real estate

and land use issues. She also handles litigation relating to natural gas pipelines, including condemnations and encroachments, and the negotiation and preparation of pipeline right-of-way and easement agreements. Ariel has represented clients in the energy sector and oil and gas industry, including natural gas exploration and production companies, public utilities, and pipeline companies. She has practiced in both federal and state courts throughout Pennsylvania and Ohio.

Ariel received her J.D., *cum laude*, from the University of Pittsburgh School of Law, Order of the Coif. She was the Managing Editor of the Pittsburgh Law Review. She earned her B.A., *cum laude*, from Colorado College.

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“Help! I Think My Counter-Party May Be Insolvent.”

Demetra L. Liggins Thompson & Knight LLP

Demetra L. Liggins is a Partner in Thompson & Knight’s Bankruptcy and Restructuring Practice Group in the Firm’s Houston office. She has nearly 15 years of experience in business finance and restructurings for a variety of large and small public and private companies. She helps navigate her clients through complex corporate reorganization and distressed acquisitions. She works on both in-court and out-of-court restructurings. Demetra is highly regarded for her ability to quickly and efficiently help clients assess the effects of a bankruptcy on their corporate and financial transactions. She is a trusted business partner who works with her clients to identify and achieve their goals in the bankruptcy process.

Demetra received a J.D., *cum laude*, from the Cumberland School of Law at Samford University in 2000 and a B.S. in Business Administration, *cum laude*, from Christian Brothers University in 1997. Following law school, she clerked for the Honorable U.W. Clemon, Chief Judge for the United States District Court for the Northern District of Alabama. Demetra is licensed to practice in both Texas and New York.

Demetra is actively involved in numerous organizations, including serving as Houston Chapter Chair of the International Women’s Insolvency and Restructuring Confederation (IWIRC); a member and former Chair of the Bankruptcy Section of the Houston Bar Association; a member of the Women’s Energy Network; a member of the Women’s Business Alliance, Greater Houston Partnership; a former Fellow of Leadership Council on Legal Diversity; and a Fellow of the Texas Bar Foundation. Her accolades include being named to *Texas Rising Stars*[®] by Thomson Reuters, as a Law Firm Rainmaker by *Diversity & the Bar*, and to Houston’s “Top Lawyers” by *H Texas* magazine. She has also been featured in *Law360*’s Minority Powerbroker Q&A series.

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“Treatment of Oil and Gas Leases in Bankruptcy”

Robert A. Bell, Jr. Vorys, Sater, Seymour and Pease LLP

Robert A. Bell Jr. is a partner at the Vorys, Sater, Seymour and Pease LLP in its Columbus, Ohio, office and practices in the finance, energy and real estate group. He regularly advises clients in the areas of bankruptcy, debtor/creditor rights, commercial restructuring, collection and financial restructurings, including advising industry players in the bankruptcy cases of other oil and gas companies. He was also formerly a Certified Public Accountant. He is currently a member of the American Bankruptcy Institute. Mr. Bell has lectured on various topics on commercial restructuring and oil and gas bankruptcy matters, including treatment of various oil and gas agreements in bankruptcy. He was named an “Ohio Super Lawyers Rising Star” in bankruptcy and creditor/debtor law. He is admitted in the State of Ohio and the United States District Courts for the Southern and Northern Districts of Ohio and Eastern District of Michigan. He received his B.S. in Business from Miami University and his J.D., *magna cum laude*, from the University of Dayton College of Law.

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John J. Sparacino Vorys, Sater, Seymour and Pease LLP

John is a partner in the Vorys Houston office and member of the finance, energy and real estate group. With more than 25 years of experience, John focuses his practice on bankruptcy related matters including litigation, receiverships and out-of-court restructurings. He has worked on bankruptcy matters throughout Texas and the United States.

John has represented secured and unsecured creditors, ad hoc creditors’ committees, statutory creditors’ committees, trustees, equity security holders, companies reorganizing under Chapter 11, DIP lenders and purchasers of distressed assets and companies. He also has represented purchasers and sellers of assets, claims and equity interests in distressed situations. In addition, he has represented indenture trustees in connection with bond debt transactions, including new issuances, tender offers, exchange offers, redemptions, amendments, work-outs and bankruptcies.

John is a member of the Texas Bar Association and Houston Bar Association, where he serves on several committees. He is also a member of the American Bankruptcy Institute.

John received his J.D. *magna cum laude*, from the University of Houston Law Center, where he was an associate editor of the *Houston Law Review*. He received his BBA from the University of Texas.

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“Coal Industry Insolvencies and Reclamation Financial Assurance Issues”

Ronald E. Gold Frost Brown Todd LLC

Ron is a member of Frost Brown Todd LLC where he serves on the Firm's Executive Committee. He concentrates in finance and reorganization law, primarily in the area of bankruptcy and out-of-court workouts. Ron actively represents corporate debtors, borrowers, secured lenders, landlords, creditors' committees, court appointed receivers and automotive customers in bankruptcy proceedings, restructurings and out-of-court workouts. Ron also represents purchasers of entire businesses or business segments both in and out of chapter 11 and regularly counsels equity funds in matters involving distressed real estate.

Ron was inducted as a Fellow of the American College of Bankruptcy in 2010. In addition, he is listed in the Bankruptcy Section of the 2003 - 2015 editions of the *Best Lawyers in America*® and was named one of Ohio's leading bankruptcy and restructuring lawyers by *Chambers USA*®: *America's Leading Lawyers for Business* in the 2004 - 2015 editions and recognized by *Ohio Super Lawyers*®, 2004 - 2015 by *Law and Politics Magazine*.

Ron received his J.D., *magna cum laude*, from the University of Pittsburgh School of Law where he was awarded Order of the Coif and was a member of the *University of Pittsburgh Law Review*. He earned his A.B. from the University of Michigan.

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William T. Gorton III Stites & Harbison PLLC

Bill Gorton is Chair of the Environmental, Natural Resources & Energy Service Group at Stites & Harbison PLLC. He is national counsel to numerous clients on natural resource, environmental regulatory and land and water resources matters. He has been counsel in the development of more than ten power plants. He has been Lead Counsel to numerous surety companies regarding over \$2.5 billion in financial guarantees on defaulting mining operations, hazardous waste facilities and solid waste disposal facilities throughout the United States. He has been primary environmental counsel in the development of interstate pipeline associated with major natural gas resource development. He also counsels on large natural resource and energy, business or corporate transactions, and project development assessing and addressing environmental regulatory issues.

Before embarking on a law career, Mr. Gorton managed the Kentucky office of Skelly & Loy Engineers/Consultants and managed many mining-related environmental projects throughout the U.S. He is an adjunct professor at the University of Kentucky teaching Environmental Law in the Natural Resource and Environmental Science Program.

Mr. Gorton holds a B.S. from Pennsylvania State University and a J.D. (*with distinction*) from the University of Kentucky College of Law.

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Emily S. Medine
Energy Ventures Analysis, Inc.

Emily Medine, a Principal, has been with Energy Ventures Analysis since 1987. Her experience includes forecasting, bankruptcy support, market strategy development, fuel procurement audits, fuel procurement, acquisition and investment analyses, and strategic studies. She has also provided expert testimony on utility fuel procurement practices and coal contract disputes.

Ms. Medine develops and implements fuel procurement strategies for U.S. and foreign coal consumers. Fuel procurement assistance has ranged from determining an appropriate strategy to soliciting bids and negotiating purchase agreements. In the last five years, Ms. Medine has advised several international coal consumers of their fuel procurement activities. Ms. Medine continues to advise numerous U.S. and international coal consumers on their coal and petroleum coke procurements.

Ms. Medine manages and performs fuel procurement audits on behalf of regulatory commissions, utility management, and third-party interveners.

Ms. Medine routinely evaluates the economics of potential projects or acquisitions for producers, developers, and industrials. For coal projects, this includes market and financial forecasts. Ms. Medine has completed the sale of multiple mine assets and was on the board of The Elk Horn Coal Company until its sale.

Ms. Medine assists clients in the development of marketing strategies on behalf of coal suppliers and transporters. She has helped to identify the high value markets and strategies for obtaining these accounts.

Ms. Medine was an advisor to the Horizon Natural Resource companies which operated as a debtor-in-possession in the development of a plan to accomplish reclamation on all permits not sold and transferred as part of the plan of reorganization. For a period of 15 months, Ms. Medine served as Executive Vice President of Centennial Resources, Inc., a debtor-in-possession, as part of EVA's contract to manage this company post-petition. In this capacity, she managed the day-to-day operations of the company as well as serving as the liaison between the company, state and county regulatory agencies, the bankruptcy court, and the lenders. This assignment ended upon the filing of Centennial's plan of reorganization. Ms. Medine has also served as the advisor to secured lenders in another coal industry bankruptcy. In this capacity, she reviewed and developed independent financial forecasts and operating plans of the debtor-in-possession.

Ms. Medine prepares analyses and testimony in support of clients involved in regulatory and legal proceedings. She provides testimony in commission hearings on fuel procurement issues and arbitration proceedings on contract disputes. Ms. Medine regularly speaks in to industry groups about coal markets.

Ms. Medine received her M.P.A. from Princeton University and her B.A., *magna cum laude*, from Clark University where she was a member of Phi Beta Kappa.

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“Staying Afloat in Turbulent Waters: Considerations in the Sale of a Coal-Fired Power Plant”

Justin D. Ackerman
Babst Calland

Justin D. Ackerman is a Shareholder in the Pittsburgh, PA office of Babst, Calland, Clements & Zomnir, P.C. He uses a creative, yet pragmatic, approach in his role as a trusted advisor to mid-sized corporations, closely-held companies, family-owned businesses, and their owners. Additionally, Mr. Ackerman leverages his experience and education to provide a broad range of legal services including: general corporate representation, real estate services and transactions, business succession techniques, and dispute resolution. Mr. Ackerman earned his J.D. from the University of Pittsburgh School of Law and his M.B.A. from the Tepper School of Business at Carnegie Mellon University in 2005. Additionally, he obtained his B.S. in Accounting from the Pennsylvania State University in 1999.

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Donald C. Bluedorn
Babst Calland

Donald C. Bluedorn II is a Shareholder in the Pittsburgh, PA office of Babst, Calland, Clements & Zomnir, P.C. His practice focuses primarily on water and wastewater management, site remediation/brownfields, and hazardous and non-hazardous waste issues. Because of the technical nature of both the subject matter and his education, Mr. Bluedorn typically works closely with the client, technical consultants, and engineers during all phases of a project's development. Mr. Bluedorn received his B.S. from Grove City College in 1983, where he graduated with high honors in Electrical Engineering, and a J.D. in 1986 from the University of Pittsburgh School of Law, where he graduated Order of the Coif and was a member of the Editorial Board of the University of Pittsburgh Law Review. Among other things, Mr. Bluedorn was designated as *Environmental Lawyer of the Year* for 2016 in Pittsburgh by *The Best Lawyers in America*®.

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“Wastewater Management Regulation in the Appalachian Basin”

Kevin J. Garber
Babst Calland

Kevin concentrates much of his practice in the areas of natural resources law and water law. This includes representing mining and oil and gas companies, including those developing unconventional gas reserves, on a broad range of environmental issues including permitting, water supply and treatment and resource development. He counsels mining clients on a wide range of environmental matters, such as water and air permits, bonding and treatment trusts. Kevin also regularly handles NPDES permitting

matters and appeals; defends citizens' suits under the federal Clean Water Act and similar state laws; and represents landowners and others with respect to groundwater protection issues. He leads the Firm's municipal environmental services practice area and serves as special environmental counsel to many municipalities, authorities and developers. Kevin's practice also covers the cleanup and redevelopment of industrial sites under federal and state hazardous waste and brownfields laws.

He is a member of the Allegheny County, Pennsylvania and American Bar Associations. Among other honors, he was named the *Best Lawyers'* 2014 Pittsburgh Energy Law Lawyer of the Year, the *Best Lawyers'* 2015 Pittsburgh Environmental Law Lawyer of the Year, and the *Best Lawyers* 2016 Pittsburgh Natural Resources Lawyer of the Year.

Kevin earned his J.D. from Duquesne University School Of Law in 1987. He received his B.S., *with distinction*, in Biology/Chemistry from Pennsylvania State University, his M.S. in Oceanography and Limnology from the University of Wisconsin and his Ph.D. in Ecology from the University of Pittsburgh.

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Michael K. Reer
Babst Calland

Michael Reer is an associate in the Energy & Natural Resources and the Environmental Services groups of Babst Calland. Mr. Reer's practice involves counseling clients on a wide variety of federal and state regulatory issues related to Marcellus, Utica and other conventional and unconventional shale gas well developments in the Appalachian Basin. He also works on a variety of regulatory compliance issues related to coal mining.

Mr. Reer graduated from Boston College with a B.A. in History and Political Science. He received his J.D. from Boston College Law School in 2013, where he served as a project researcher. While at the Boston College Law School, Mr. Reer also co-taught Environmental Law and Policy at the undergraduate institution and was a recipient of the Ryan Academic Scholarship.

In 2014, Mr. Reer completed an LL.M. in Energy, Environmental, and Natural Resources Law at the University of Houston, where he served as a research assistant.

Prior to joining Babst Calland, Mr. Reer practiced law at an oil and gas firm in Austin, Texas. While in Austin, he drafted field rule proposals for unconventional oil and gas plays.

Mr. Reer is licensed to practice law in Pennsylvania and Texas. He is a member of the Allegheny County, Pennsylvania, Texas and American Bar Associations.

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Tuesday, June 14 – Breakout Session B

“From Monopolies to Markets and Beyond – The Evolution and Future of the U.S. Electricity System”

Karen J. Greenwell
Wyatt, Tarrant & Combs LLP

With over 30 years of legal experience in the mineral and energy industries, Ms. Greenwell has assisted coal, oil, gas and energy industry clients with all manner of transactions, including leasing matters, asset acquisitions and divestitures, corporate mergers and stock acquisitions, and bankruptcy sales. Her experience in litigating property and contract and business tort disputes, gives her an unusual breadth of experience and perspective in dealing with issues affecting mineral and energy industry clients. She is a Trustee of the Energy & Mineral Law Foundation, a member of the Board of Directors of the Kentucky Oil and Gas Association and is the chair of its legal committee. She is an adjunct professor at the University of Kentucky College of Law, teaching courses in energy law and policy. She has been included in Woodward/White’s 2007-2016 editions of *The Best Lawyers in America*® in Mining and Natural Resources Law and has been repeatedly recognized by her peers in *Kentucky Super Lawyers*.® She was Best Lawyers’ 2012 Lexington Natural Resources Law Lawyer of the Year and Best Lawyer’s 2013 Lexington Mining Law Lawyer of the Year. She has been identified as one of the “Leaders in Their Field” by Chambers USA-Americas Leading Lawyers for Business.

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“Regional Transmission Organizations (RTO), Independent System Operators (ISO) and Wholesale Electricity Markets”

Jacquelynn Broughton Hugee
PJM Interconnection

Jacquelynn Broughton Hugee, associate general counsel, PJM Interconnection, has over twenty years of experience in the legal profession, fifteen years representing utilities, including nine years in the electric power industry.

Ms. Hugee is responsible for supporting PJM, and has oversight for PJM’s regulatory filings, in the functional areas of its energy, ancillary service and capacity markets, demand response, financial transmission rights, tariff administration, market settlements, credit, system operations, transmission service and interregional markets. She also represents PJM before federal and state regulatory entities, including the Federal Energy Regulatory Committee.

Prior to joining PJM, Ms. Hugee was in-house counsel for American Water Service Company where she represented New Jersey American Water Co., Long Island Water Co. and several other American Water Company subsidiaries in state and federal regulatory proceedings, litigation and transactional agreements, and served as assistant secretary of the companies.

Ms. Hugee is licensed to practice law in New Jersey and Pennsylvania. She is a member of the Energy Bar Association, National Bar Association and Corporate Counsel Women of Color. She also serves on the Board of Directors of the Foundation of the Energy Law Journal.

Ms. Hugee earned a degree of Juris Doctor from Duke University School of Law and a Bachelor of Arts in Political Science and Black Studies from Wellesley College.

PJM, founded in 1927, ensures the reliability of the high-voltage electric power system serving 61 million people in all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and the District of Columbia. PJM coordinates and directs the operation of the region's transmission grid, which includes 62,556 miles of transmission lines; administers a competitive wholesale electricity market; and plans regional transmission expansion improvements to maintain grid reliability and relieve congestion.

Jacquelyn Broughton Hugee, PJM Interconnection, 2750 Monrow Blvd., Audubon, PA 19403; 610.666.8208; Jacquelyn.Hugee@pjm.com

“Power Purchase Agreements”

W. Mark Griffith McGuireWoods LLP

Mark Griffith is a partner in the Raleigh office of McGuireWoods LLP, which has more than 1,000 lawyers serving clients from 22 offices.

Prior to joining McGuireWoods, Mark was the general counsel and member of the four person executive team at Electricities of North Carolina, a management services company for two of the country's largest power agencies, each jointly owning nuclear generation assets with the State's investor-owned utilities. His years of in-house experience give him deep insight into his clients' needs, priorities and goals from both a legal and business perspective.

Mark understands the highly diversified global finance industry. His practice focuses on mergers and acquisitions, finance, and general corporate law, with a particular emphasis on energy law, financial institutions, and emerging markets. He has represented clients in connection with mergers and acquisitions (foreign and domestic), stock and asset sales, joint ventures, and third-party service arrangements.

In addition to his legal practice, Mark has served a term as a member of the North Carolina Banking Commission after being appointed by the North Carolina Speaker of the House, and currently is a member of the Board of Directors of the North Carolina Chamber of Commerce.

Mark Received his J.D., with Honors, from the University of North Carolina School of Law, and his B.A., with Honors from the University of North Carolina.

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Brian J. Kelly
McGuireWoods LLP

Brian's practice focuses on mergers and acquisitions, energy project and infrastructure development and project finance. He has worked on energy, infrastructure and finance transactions in the United States and internationally in transactions involving the upstream industry, energy trading, energy audits and performance contracts relating to energy efficiency, as well as solar, wind and biomass project development matters. He has experience in the structuring, negotiating and drafting power purchase agreements, tolling and joint development agreements, engineering, procurement and construction contracts, fuel supply and transportation agreements, and related project development documentation. Brian also advises U.S. and foreign clients on international trade, business and related export control issues.

Brian earned his J.D., *cum laude*, from the University of Baltimore School of Law in 2001 and his B.A., *cum laude*, from Mount Saint Mary's College in 1998.

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“Like-Kind Exchanges in the Oil and Gas Industry”

I. Bobby Majumder
Perkins Coie LLP

I. Bobby Majumder is a partner in the firm's Corporate practice and Firmwide Co-Chair of the firm's India Practice who focuses on corporate and securities transactions primarily in the following industry verticals: energy (oil & gas and coal), mining, healthcare and information technology. He represents underwriters, placement agents and issuers in both public and private offerings of securities; public and private companies in mergers and acquisitions (both cross-border and domestic); private equity funds, hedge funds and venture capital funds in connection with both their formation and their investments; and companies receiving venture capital and private equity funding.

Bobby advises established companies as well as new and emerging issuers on raising capital from both the public and private markets in the United States and Europe (including Rule 144A/Regulation S offerings). He also advises U.S. and foreign companies in connection with their SEC reporting and compliance requirements.

Bobby has extensive experience in mergers and acquisitions involving companies in the information technology, telecommunications, mining, coal, oil and gas, and health care industries. He also has extensive experience in representing private equity, hedge funds and venture capital funds in their investments in both public companies and closely held entities.

Bobby was named as one of the "Best Lawyers in Dallas" by *D Magazine*, 2011, 2014 – 2016; listed as "Who's Who in Energy" by *Dallas Business Journal*, *Houston Business Journal* and *Pittsburgh Business Journal*, 2011 – 2012; and listed in *Law & Politics Magazine* and *Texas Monthly* as a "Texas Super Lawyer," 2014 – 2016.

Bobby received his J.D. in 1993 from Washington and Lee University School of Law and his B.A. from Trinity University in 1990.

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“The ‘Double Fraction’ Issue”

Kelli D. Smith
Step toe & Johnson PLLC

Kelli Smith is an associate in the Houston office of Steptoe & Johnson, located in The Woodlands, Texas. She is a business attorney who brings her energy industry experience to her practice in mineral title and energy law. Her understanding of the industry is an asset to energy companies needing assistance with mineral title examinations, title opinions and due diligence for mineral acquisitions and divestitures. Ms. Smith advises clients on numerous issues including title defects, curative requirements, lease analysis and mineral and leasehold ownership. She has conducted numerous mineral title examinations and rendered many mineral title opinions. Ms. Smith has handled matters involving mineral acquisitions and divestitures, including coordination and performance of due diligence and title defect curative work. She coordinated a due diligence project for the \$2.1 billion acquisition of producing properties and undeveloped leaseholds in Colorado, Louisiana, Michigan, Oklahoma, Ohio, and Wyoming.

Ms. Smith is a District 3 Director at Large for Texas Women Lawyers and Director of Membership for The Woodlands Bar Association. She is a member of the American Association of Professional Landmen and the Houston Association of Professional Landmen.

Ms. Smith received her J.D. from the University of Houston, her M.J. from the University of Maryland and her B.A. from Howard University. She is licensed to practice in Texas.

Kelli D. Smith, Steptoe & Johnson PLLC, 10001 Woodloch Forest Drive, Suite 300, The Woodlands, TX 77380; 281.203.5736; kelli.smith@steptoe-johnson.com

“Natural Gas Market Natural Monopoly: An Antitrust Regulatory Paradox”

Devan K. Flahive
Robinson & McElwee PLLC

Devan K. Flahive is an associate attorney with Robinson & McElwee PLLC, in West Virginia. While her practice focuses on commercial litigation involving a variety of industries, she has a specialty in antitrust law, particularly as affecting oil and gas businesses; she also prepares antitrust compliance programs for trade associations. This past fall, Ms. Flahive served as an adjunct professor for the Davis College of Agriculture at West Virginia University, teaching a course titled *Agricultural and Natural Resources Law*.

Ms. Flahive has a background in agriculture, having managed a dairy farm and owned her own dairy cattle. Additionally, Ms. Flahive worked for Cargill Animal Nutrition as a dairy business consultant; in that capacity, she generated custom grain formulas to meet the needs of individual dairy farms and advised clients on ways to improve their dairy business profitability in concentrated areas, such as crop and feeding management, cow

health, and commodity purchasing.

Ms. Flahive is a graduate of Cornell University and holds a law degree from the Pennsylvania State University Dickinson School of Law.

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