

Energy & Mineral Law Foundation
38th Annual Institute
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Speakers' Biographies, In Order of Speaking

Welcome and Introductions

Daniel W. Wolff, *EMLF President* Crowell & Moring LLP

Dan Wolff is a trial and appellate litigator in Crowell & Moring's Washington, D.C. office, where he chairs the firm's Administrative Law & Regulatory Practice. Dan's practice is heavily concentrated on litigation arising under the Administrative Procedure Act transcending multiple practice areas, including mining and oil and gas. To this end, Dan frequently teams with attorneys from across the spectrum of Crowell's regulatory practices as the go-to first-chair litigator for confronting arbitrary and capricious government action.

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Kevin L. Colosimo, *Annual Institute Chair* 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.

Kevin received his J.D. from Duquesne University and his B.A., *magna cum laude*, from Indiana University of Pennsylvania.

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Keynote Address – Energy Policy in a Brave New World

Christopher Guith
Senior Vice President
Institute for 21st Century Energy
U.S. Chamber of Commerce

Christopher Guith is senior vice president for policy at the U.S. Chamber of Commerce's Institute for 21st Century Energy (Energy Institute). He is responsible for developing the Institute's policies and initiatives as they apply to the legislative, executive, and regulatory branches of the federal and state governments. Specifically, Guith leads the development of the Energy Institute's policies and messaging relating to oil and natural gas and nuclear energy. He led the Chamber's Shale Works for US campaign, which analyzed and promoted the widespread benefits of shale energy development in America.

Guith offers expertise on an array of energy and environmental issues. He educates policymakers, businesses, energy stakeholders, coalitions, and the public about the importance of a diversified energy portfolio and how it can ensure an efficient, reliable, prosperous, and secure energy future. He also leverages his broad energy expertise as a spokesperson with local, state, and national media.

Guith travels frequently to speak to small and large stakeholder groups, raising awareness of the impact of policy decisions on America's energy future and encouraging groups to share their perspectives with policymakers. In addition, he consults with state and local chambers of commerce and business groups, advising them how to quantify the importance of safe, reliable American energy to their businesses, as well as how to amplify that message when communicating with energy decision makers.

Prior to joining the Chamber in 2008, Guith served as deputy assistant secretary for nuclear energy at the U.S. Department of Energy (DOE), where he developed the administration's nuclear energy policies and coordinated the department's interactions with Congress, stakeholders, and the media. He was also deputy assistant secretary for congressional affairs at DOE and a chief representative of the administration during the drafting and debate of the Energy Policy Act of 2005.

Earlier in his career, Guith served as Rep. Bob Barr's (R-GA) legislative director and Rep. Tim Murphy's (R-PA) counsel and policy adviser. He was also legislative counsel for the Environment, Technology & Regulatory Affairs at the U.S. Chamber of Commerce.

Guith is a graduate of Syracuse University-College of Law and the University of California-Santa Barbara.

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The Congressional Review Act's Impact on the Regulated Community

Armando F. Benincasa
Step toe & Johnson PLLC

Armando Benincasa concentrates his practice in the areas of energy law, environmental law, environmental litigation, administrative law, government affairs, and lobbying. His practice

consists of cases involving permitting and regulatory requirements for natural resources, including coal, oil, and gas, solid waste, water resources, underground storage tanks, voluntary remediation, and the drafting of rules and statutes related to the environment. He has extensive experience in governmental matters, as well as in representing energy companies before state agencies and the West Virginia Legislature. He is recognized by *The Best Lawyers in America*® and is a Best Lawyers® 2016 Charleston, WV, Water Law, Lawyer of the Year. Mr. Benincasa is a graduate of the University of Virginia School of Law and Washington and Lee University.

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Regulatory Roudtable – A View from Industry in D.C. on the Road Ahead in the Trump Administration

**Kirsten L. Nathanson
Crowell & Moring LLP**

Kirsten L. Nathanson is a partner at Crowell & Moring LLP in the Environment & Natural Resources Group, focusing on environmental litigation, enforcement defense, risk assessment, and regulatory counseling under the major federal environmental and public lands statutes. She currently serves as a member on the firm's Environment & Natural Resources Group Steering Committee. Her litigation experience covers the Clean Water Act, Clean Air Act, Endangered Species Act, FIFRA, NEPA, SMCRA, RCRA, and CERCLA, encompassing citizen suit defense, regulatory challenges, remediation cost recovery and defense, Administrative Procedure Act actions, and EPA enforcement.

Current representative engagements include:

- Serving as federal environmental counsel to several corporations across multiple facilities and CERCLA sites, including significant landfill and contaminated sediment waterway sites.
- Serving as Clean Water Act regulatory and litigation counsel to multiple national trade associations.
- Representing a major coal producer in multiple citizen suit litigation matters challenging federal leasing and mine plan approval actions.
- Representing a Fortune 50 company in the strategic management of legacy environmental liabilities.
- Representing a Fortune 10 energy company in CERCLA contribution litigation against the United States.
- Providing strategic and compliance counseling to a major power generating facility on federal environmental regulatory requirements, including enforcement schemes and related litigation risk.

Her experience includes federal district court motions and trial practice and federal appellate oral arguments. She is admitted to practice before the U.S. Supreme Court and numerous federal appellate and district courts nationwide. Kirsten currently serves as co-chair of the firm's Diversity Council. Kirsten was a founding President of the Washington, D.C. Chapter of the Women's Energy Network in 2011-2012 and continues to engage in activities with both the local and national WEN organizations. She is a past president and a member of the Board of Trustees of the Energy & Mineral Law Foundation and has also led the Crowell & Moring Women Attorneys' Network.

Kirsten has been recognized as a leading environmental lawyer in Washington, D.C. by *Chambers and Partners USA* (2013-present).

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Susan W. Ginsberg
Vice President, Crude Oil And Natural Gas Regulatory Affairs
Independent Petroleum Association of America

Ginsberg covers issues before the Federal Energy Regulatory Commission (FERC), the Department of Transportation's Pipeline and Hazardous Materials Safety Administration, the Commodity Futures Trading Commission, and the Securities and Exchange Commission. She represents IPAA on the federal advisory committee working to implement the Extractive Industries Transparency Initiative, led by the Department of Interior. She is IPAA's staff liaison to the Crude Oil and Natural Gas committees and also works closely with the state cooperating associations on issues of common interest. Ginsberg joined IPAA in 2004 after 17 years with the natural gas marketing subsidiaries of Coastal Corporation and El Paso Corporation, providing regulatory expertise on issues before FERC and the Department of Energy. She graduated from Georgetown University with a B.A. in economics.

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Richard S. Moskowitz
American Fuel & Petrochemical Manufacturers

Richard S. Moskowitz is the General Counsel for the American Fuel & Petrochemical Manufacturers. He oversees all AFPM legal matters, staffs AFPM's Legal Committee and supervises outside counsel representing the association in litigation.

Richard received his J.D. from the George Washington University Law School and his B.A. from Brandeis University.

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Katie Sweeney
Senior Vice President, Legal Affairs & General Counsel
National Mining Association

Katie Sweeney is Senior Vice President, Legal Affairs & General Counsel for the National Mining Association. She practices environmental, mining, public land, administrative and corporate law. Katie is responsible for managing the association's legal services and litigation program. Ms. Sweeney has been with NMA for 23 years and most recently served as deputy general counsel. Additionally, she is a trustee of the Rocky Mountain Mineral Law Foundation.

She is a graduate of the College of William and Mary and the George Mason School of Law.

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Sharon R. Theodore
Senior Director, Regulatory Affairs
Electric Power Supply Association (EPSA)

Sharon Theodore is Senior Director of Regulatory Affairs for the Electric Power Supply Association (EPSA), a national trade association representing independent power producers and marketers, in Washington, D.C. Ms. Theodore works to promote competitive electric policies through advocacy at Federal and State government agencies, with primary focus on the Federal Energy Regulatory Commission (FERC) and matters related to the Eastern ISO/RTO regions (PJM, NYISO and ISO-NE). She also leads coordination of the EPSA Ethics, Compliance and Enforcement (ECE) Committee on key Federal agency enforcement and compliance matters. Previously, she has worked for NiSource/Columbia Pipeline Group, TransCanada and Texas Eastern in these companies' respective Federal government affairs offices in Washington, D.C., serving as a regulatory representative and participating on natural gas pipeline and storage project teams.

Ms. Theodore has a B.A. in general management from Michigan State University's Broad College of Business. She also serves as a member and secretary of the Fairfax County, VA, Board of Zoning Appeals (BZA), and is interested in land use, development and planning issues.

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Coastal Flooding and Sea Level Rise for Energy and Mineral Facilities: Ripple Effects or Sea Change?

Henry R. "Speaker" Pollard V
Williams Mullen

Henry R. ("Speaker") Pollard V is a partner with Williams Mullen in its Richmond, Virginia office. He brings a combined science and business education background to his practice, which is concentrated in environmental, water supply, wastewater and coastal resiliency law. For over 20 years, Speaker's practice has involved assisting clients with compliance and permitting, enforcement defense, water supply planning and contracts, property and business transactions, land use proceedings, and legislative and regulatory affairs.

Speaker received his Bachelor of Science degree (Chemistry) from Hampden-Sydney College, and both MBA and law degrees from the University of Richmond. Before entering private practice, Speaker worked for the Virginia Department of Environmental Quality's Office of Enforcement, where he led and coordinated statewide hazardous waste enforcement actions, developed administrative cases and conducted administrative enforcement proceedings, prepared enforcement policy and assisted with civil litigation and criminal enforcement and prosecution of environmental cases.

Speaker is active in local and state bar environmental law sections, currently serving on the executive council and as treasurer for the Virginia Bar Association's Environmental, Natural Resources and Energy Section. His community involvement includes serving on the Board

of Directors for the Virginia Mathematics and Science Coalition and as an elder in his church. Speaker enjoys spending time with family and friends, outdoor activities, sports and reading.

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Legal Considerations for Implementing an Unmanned Aircraft Program

James E. Mackler
Frost Brown Todd LLC

James focuses his practice on advising businesses, governments, and investors on the use of unmanned aircraft systems (UAS), commonly known as "drones". He works with clients on various regulatory, compliance, and litigation elements of drone usage across a variety of applications including agriculture, real estate, insurance, hospitality, construction, video production, energy, manufacturing, and surveying.

In addition to his drone-related practice, James defends clients facing criminal prosecution or civil action by state and federal authorities. He has over 15 years of experience defending and prosecuting criminal cases at the state, federal and military level and assisting clients in the areas of regulatory compliance and civil litigation.

Previously, James served eight years of active duty in the U.S. Army. After spending seven years developing a successful private legal practice in Colorado, James was inspired by the events of September 11, 2001 to join the military. He spent three years as a Blackhawk helicopter pilot with the 101st Airborne Division, including a one-year deployment to Iraq. After returning from Iraq, James transferred to the Judge Advocate General (JAG) Corps, where he served as a legal adviser to high-level commanders and as a supervising criminal prosecutor. As a former Senior Trial Counsel for the 101st Airborne Division at Fort Campbell, James led a team of 12 prosecutors in the investigation and prosecution of cases involving financial fraud, kidnapping, rape and murder. James has tried approximately 40 highly contested courts martial and countless administrative hearings. James earned his Parachutist Badge, Combat Action Badge, Air Medal and an Army Achievement Medal during his time in the Army. He also completed the Army's rigorous Survival Evasion Resistance and Escape (SERE) training. Today, he continues to serve as an attorney in the Tennessee Air National Guard, and he also holds a commercial helicopter pilot's certificate.

His military service brought a new perspective to his legal career; his ability to perform under stress provides a sense of calm assurance to the chaotic, life-changing situation brought on by criminal prosecution. James says the best thing about being a lawyer is "the privilege of being part of a justice system truly governed by the rule of law—a system only dreamed of by much of the world." James also strives to live up to the values passed along to him by his parents and reinforced by the military: loyalty, honor and integrity. He measures his success as an attorney by these markers.

James has been quoted in several media outlets, including *The New York Times*, *The Washington Post*, *Reuters*, *National Defense Magazine*, *The Tennessean*, *The Guardian*, Nashville Public Radio, Politico.com and local television news affiliates.

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GHG Regulation and Litigation; How the Trump Administration Changes the Equation

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. He is currently one of the small group of attorneys leading the judicial challenges to EPA's Clean Power Plan, which seeks to regulate carbon dioxide emissions from existing fossil fuel-fired power plants, and argued the notice-and-comment issue before the D.C. Circuit sitting *en banc* on September 27.

For nearly ten years, from 2004 – 2013, Tom was an Assistant Chief in the U.S. Department of Justice's Environment & Natural Resources Division, where he managed the government's legal defense of all EPA rules. In that role, 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 graduated from UCLA in 1982 and from Harvard Law School in 1985. A full bio can be found at <https://www.crowell.com/professionals/Thomas-Lorenzen>.

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Hot Topics in Legal Ethics

David G. Ries
Clark Hill PLC

David G. Ries is a member in the Pittsburgh, Pennsylvania, office of Clark Hill PLC, where he practices in the areas of environmental, commercial, and technology law and litigation. He is a Past President of the Energy & Mineral Law Foundation and served two terms as a member and chair of a hearing committee for the Disciplinary Board of the Supreme Court of Pennsylvania. Dave received his B.A. from Boston College in 1971 and his J.D. from Boston College Law School in 1974 where he was a member of the *Boston College Industrial and Commercial Law Review*.

His environmental practice over the last 40 years has included a broad range of issues in federal and state courts and before administrative agencies, including CERCLA litigation, Clean Water Act litigation, solid and hazardous waste issues, Clean Air Act litigation, storage

tank litigation, wet weather consent orders, court and administrative challenges to regulatory programs, and defense of enforcement actions. His technology practice has included a variety of litigation matters, including major systems implementation disputes, and advising clients on a number of technology law issues such as hardware, software, and cloud services agreements, information security, privacy regulations, information governance, e-discovery, and electronic contracting. He has regularly represented energy companies.

Dave has frequently spoken and written on environmental, technology, and ethics topics for legal, academic, and professional groups including the EMLF, the American Bar Association, the Association of Corporate Counsel, the Pennsylvania Bar Institute, Carnegie Mellon University, Duquesne University, the American Academy of Forensic Sciences, and the National Groundwater Association. He serves on the Editorial Board of *Environmental Forensics* (a peer reviewed journal).

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Fracking Forensics: Chemistry and Statistics in Environmental Litigation

Roger G. Hanshaw
Bowles Rice LLP

Roger G. Hanshaw concentrates his legal practice on the environmental and technical issues that arise in business transactions, as well as regulatory compliance matters and litigation for a diverse client base.

He holds a Ph. D. in chemistry from the University of Notre Dame. This advanced science degree is critical in representing clients in the science driven field of environmental law.

Roger is a certified professional parliamentarian and regularly counsels government bodies and nonprofit organizations throughout the state and nation on meeting procedures, parliamentary law, bylaws construction and convention management. He is also a certified magistrate court mediator and board of directors member for the West Virginia Farm Bureau.

He is a member of the West Virginia House of Delegates, representing District 33 (Calhoun, Clay and Gilmer Counties). Roger received his J.D. from West Virginia University College of Law.

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Evaluation of Industrial Noise in the Oil and Gas Industry

Donald C. Sinclair II
Step toe & Johnson PLLC

An experienced litigator, Mr. Sinclair concentrates his practice on occupational and environmental litigation in the energy and transportation sectors, including air, water, and soil quality; human exposure to noise and vibration; occupational diseases; toxic and traumatic encephalopathy; seizures and syncope; the evidence-based determination of causation of occupational and environmental disease; and the admissibility of novel and complex scientific evidence.

Mr. Sinclair earned a J.D. from the West Virginia University College of Law and a BA in Mass Communications from West Virginia Wesleyan College. He is licensed to practice in Maine, Missouri, Pennsylvania, Texas, and West Virginia.

He has published peer-reviewed articles and a textbook chapter in the areas of his concentration.

Mr. Sinclair is a Guest Lecturer at the University of Utah – School of Medicine and the Department of Mechanical Engineering, and the Bethany College Department of Biological Sciences and Equestrian Studies Program.

He is a Past Eastern Region Vice-President of The National Association of Railroad Trial Counsel, an Associate Member of the American College of Occupational and Environmental Medicine, and a Master – American Inns of Court.

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Oil & Gas Litigation Update

Call E. Waers Babst Calland

Callie Waers is an associate in the Charleston, West Virginia, office of Babst Calland, practicing in the Litigation and Energy & Natural Resources groups. Callie's practice focuses primarily on representing oil and gas companies in all forms of litigation, ranging from arbitration to state and federal courts, in a wide variety of matters, including contract and lease disputes, negligence, and other matters as needed to protect their interests.

In addition to her energy-related practice, Callie has represented clients disputes related to professional liability, insurance coverage, personal injury, construction disputes, constitutional and civil rights claims, and issues arising under the Health Insurance Portability and Accountability Act (HIPAA).

Callie graduated, *cum laude*, with a B.S. in Hospitality Management from the University of Central Florida, and she earned her law degree in 2013 from Washington and Lee University School of Law. She serves as a member of the Energy & Mineral Law Foundation, Women's Energy Network, Defense Trial Counsel of West Virginia, Defense Research Institute, and American Bar Association.

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Statutes of Limitations and Equity: Emerging Defenses to Lease Busting Claims Based on Ancient Gaps in Production

Peter A. Lusenhop Vorys, Sater, Seymour and Pease LLP

Pete is a partner in the Vorys Columbus office, and a member of the litigation group. His oil and gas litigation practice focuses on a broad range of issues affecting operators, including

royalty claims and class actions, leasing disputes, production and marketing matters, and competing mineral interests, such as conflicts between oil and gas and coal interests.

Pete received his J.D. with honors from The Ohio State University Michael E. Moritz College of Law and his B.S., *cum laude*, from Miami University. He is licensed to practice in Ohio and Pennsylvania.

Pete is a member of the Rocky Mountain Mineral Law Foundation, the Ohio Oil and Gas Association, the Marcellus Shale Coalition, and the Energy & Mineral Law Foundation. He is a graduate of the Rocky Mountain Mineral Law Foundation Short Course on Oil and Gas Law. He is also a regular presenter on issues affecting oil and gas operations and litigation.

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Ilya Batikov
Vorys, Sater, Seymour and Pease LLP

Ilya is an attorney in the Vorys Columbus office and a member of the finance, energy and real estate group. His practice focuses primarily on oil and gas and public utility matters. Ilya has advised operators on matters involving leasing, unit operation and development, due diligence, and title and mineral ownership. He has represented operators before state courts and regulatory bodies, lenders in connection with oil and gas project financing, and clients in rate proceedings and investigations before the Public Utilities Commission of Ohio.

Ilya has presented on numerous occasions on oil and gas issues and is a regular contributor to the Vorys Energy & Environmental Law Blog. He is a member of the Energy & Mineral Law Foundation and a graduate of the Rocky Mountain Mineral Law Foundation Oil and Gas Law Short Course.

Ilya received his J.D., *summa cum laude*, from the Cleveland State University, Cleveland-Marshall College of Law and his B.A., *cum laude*, from John Carroll University.

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Jessica Knopp Cunning
Vorys, Sater, Seymour and Pease LLP

Jessica is an associate in the Vorys Akron office and a member of the litigation group. Her practice focuses on oil and gas litigation, toxic tort litigation, and general commercial litigation in state and federal trial courts and appellate courts throughout the United States.

Her notable experiences include successfully protecting energy client's oil and gas lease interests throughout Ohio; defending energy clients in class action royalty litigation; and serving as national coordinating counsel for a Fortune 500 company in toxic tort litigation.

Jessica received her J.D., *magna cum laude*, from The University of Akron School of Law and her B.S., *cum laude*, in business administration from The Max M. Fisher College of Business at The Ohio State University.

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Ethics Presentation – Breaking With Tradition: Exercising Professional Judgment When Drafting Oil and Gas Documents

David E. Pierce
Washburn University School of Law

David E. Pierce is the Norman R. Pozez Chair in Business and Transactional Law, and a professor at Washburn University School of Law in Topeka, Kansas, where he teaches Advanced Oil & Gas Law, Oil and Gas Conservation Law and Practice, Environmental Regulation of the Oil and Gas Industry, Oil and Gas Taxation, Mineral Title Examination, Mining Law, Energy Regulation, and Drafting Contracts and Conveyances. Prior to entering law teaching Professor Pierce was an in-house oil and gas lawyer for Shell Oil Company in Houston, Texas, and before that he engaged in the private practice of law in Kansas. He has also worked Of Counsel with the Tulsa-based law firm of Gable & Gotwals, and with the Kansas City-based law firm of Shughart Thomson & Kilroy.

Professor Pierce has a B.A. from Pittsburg State University, a J.D. from Washburn University School of Law, and a Masters of Law (LL.M.–Energy Law) from the University of Utah College of Law.

Professor Pierce is the author of the *Kansas Oil and Gas Handbook*, a co-author of *Cases and Materials on Oil and Gas Law*, a revision and upkeep co-author of *Kuntz on the Law of Oil and Gas*, and a co-author of *Hemingway Oil and Gas Law and Taxation*.

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Re-Litigating History: Louisiana Wetland Cases and State-Level Litigation to Re-Regulate Environmental Activities

Samuel L. Tarry, Jr.
McGuireWoods LLP

Sam Tarry chairs the McGuireWoods' Product and Consumer Litigation Department in the firm's Richmond, Virginia office, and is a member of the firm's Trial Practice Steering Committee. For more than two decades, he has represented clients in tort, environmental, and public health litigation in state and federal courts across the country, and he has successfully managed thousands of cases to resolution. Mr. Tarry has served as punitive damages counsel for a variety of clients when corporate conduct is at issue, coordinating defenses at both the trial and appellate levels. He is a frequent speaker and commentator on issues relating to professional ethics in mass tort litigation.

In addition to his law degree, Mr. Tarry also has an advanced legal degree in global health law. Chambers USA and the Legal 500 have continually recognized him for the past several years for Excellence in Product Liability Law. He has also received Martindale-Hubbell's AV Preeminent peer rating, and Virginia Business has named him repeatedly to its "Legal Elite" General Litigation.

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Jonathan A. Wolfson
McGuireWoods LLP

Jonathan Wilson is a lawyer in the toxic tort & environmental litigation department of McGuireWoods' Richmond, Virginia office, where he represents clients before state and federal trial and appellate courts. Prior to joining the firm, Mr. Wolfson clerked for the Honorable Edith Brown Clement on the U.S. Court of Appeals for the Fifth Circuit. As a law student, he was the chief justice of the Moot Court Board, won multiple awards in moot court competition and received the John M. Olin Prize in Law & Economics. Before law school at the University of Virginia, he worked at the White House Council of Economic Advisers for more than two years, where he focused on healthcare, energy, tax, labor, and environmental policy. Mr. Wolfson has his B.A. in Economics from Washington University in St. Louis.

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Blockchain and Distributed Ledger Technologies: Implications for Energy Markets

Cameron Prell
Crowell & Moring LLP

Cameron Prell is a counsel in the Energy Group in Crowell & Moring's Washington, D.C. office. His practice focuses on the business of climate change and the convergence of energy and environmental law and finance. He advises and represents private sector clients and governments in corporate, financing, and regulatory matters implicated by energy and environmental markets and financial transactions, clean technologies development, and clean energy and natural resource project development.

Cameron has represented energy and natural resource companies, project developers, advanced technology firms, venture and growth equity funds, electric utilities, asset managers, financial institutions, and governments, all in their respective efforts to participate and invest in evolving climate market opportunities or manage emerging climate-related regulatory and financial risks.

Cameron has unique experience representing clients on climate and energy policy and regulatory matters before Congress, the D.C. Circuit, FERC, EPA, DOE, OPIC, State, the SEC, the Inter-American Development Bank, and the World Bank Group. He has acted as project and corporate counsel to clients in an array of energy, water, and sustainable forestry projects and transactions nationally and in developing countries. He also has experience helping clients design climate risk management strategies and market-based mechanisms, monetize and trade environmental commodities, invest in, or deploy climate and clean technologies, and structure innovative climate finance transactions to leverage market- and public-sector incentives to finance low carbon projects and infrastructure.

Cameron is currently a board member of the Climate Markets and Investment Association and serves as chair of the American Bar Association's SEER Energy and Environmental Markets and Finance Committee and vice chair of the International Environmental Law Committee. He was recently elected to act as general counsel to the Gold Standard Foundation's Technical Advisory Committee. Cameron was a guest lecturer on international

environmental law and finance at Columbia University in 2013, and regularly writes and speaks on climate finance and clean energy. Cameron was named by *Super Lawyers* as a D.C. Rising Star in 2014, and as a D.C. Super Lawyer in 2015 and 2016. He was also named one of the top lawyers in the climate change field by *Chambers USA 2016*.

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Matthew B. Welling
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Matthew B. Welling is an associate in Crowell & Moring's Washington, D.C. office, where he practices in the firm's Energy Group. Matthew represents clients in a range of regulatory, transactional, policy, and litigation-related issues at the state and federal levels, with particular focus on matters before the Federal Energy Regulatory Commission (FERC) and state regulatory commissions. He has advised on matters before the Department of Energy (DOE), Environmental Protection Agency (EPA), and the Department of Agriculture's Rural Utilities Service (RUS). He also advises clients on North American Electric Reliability Corporation (NERC) reliability standards, cyber and physical security issues, and data privacy.

Matthew has counseled clients on matters that have included electric and natural gas utility rate design, wholesale market access, transmission planning, renewable generation development, environmental compliance, federal loan and grant programs, Regional Transmission Organization (RTO) membership and stakeholder processes, and the integration of utility assets into RTO operations.

Matthew also has considerable experience representing large industrial consumers of electricity and natural gas in matters, including custom rate design, wholesale power supply negotiation, energy efficiency and demand response initiatives, supply planning, natural gas exploration and production, and the development of alternative energy supplies.

Additionally, Matthew counsels clients on NERC reliability standards and matters related to cyber and physical security, data privacy, and critical infrastructure. In doing so, he is able to bring additional credibility from his prior professional experience in information technology and systems design.

Matthew was previously a management consultant with PricewaterhouseCoopers, IBM Global Business Services, and Accenture. As a consultant, he advised clients in the implementation of Enterprise Resource Planning (ERP) and other complex business systems and has deep technical experience with these technologies. Matthew led multi-national teams to serve clients in the energy, industrial manufacturing, aerospace and defense, and international banking industries.

Matthew graduated with honors from Indiana University's Kelley School of Business in 2002 with a B.S. in business administration and a concentration in computer information systems. He also has a minor in Spanish.

Matthew received his law degree from the Georgetown University Law Center in 2010, where he served as the managing editor of the *Georgetown Journal of Law and Public Policy*. During law school, Matthew twice clerked for Sen. John Cornyn on the United States Senate Committee on the Judiciary.

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Are ALJs an Endangered Species?

Arthur M. Wolfson
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Arthur Wolfson is an attorney in the Occupational Safety & Health practice group in the Pittsburgh, PA office of Jackson Kelly PLLC. He represents mining and industrial clients in their compliance with federal and state occupational safety and health laws and regulations. Mr. Wolfson frequently litigates enforcement actions before administrative tribunals and Courts of Appeal. He has participated in accident investigations and conducted internal investigations on behalf of clients. A substantial portion of Mr. Wolfson's practice is devoted to preventative measures, including compliance counseling and training.

Mr. Wolfson earned his J.D. from the University of Pittsburgh School of Law. He has a B.A. in history from the College of William & Mary.

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Recent Developments in the Regulation of Pipelines

Ramonda C. Lyons
Lewis, Glasser, Casey & Rollins PLLC

Ramonda C. Lyons primarily represents clients in litigation and commercial matters. She has been recognized as a Rising Star in *West Virginia Lawyers®* and as a Future Star in *Benchmark Litigation*. She has extensive experience in complex, high-dollar commercial litigation matters representing natural gas producers, midstream companies, pharmaceutical manufacturers, tobacco companies, mining companies and other large corporations.

Ms. Lyons has represented: (1) major natural gas producers in litigation involving class action royalty disputes and other matters; (2) midstream companies in regulatory matters, transactional matters, litigation involving nuisance claims and other landowner issues; (3) pharmaceutical companies against class action, medical monitoring and product liability claims; (4) tobacco companies in product liability matters; (5) mining companies in contract disputes, employment and deliberate intent matters; (6) mining companies in safety and health matters; (7) coal broker in international contract dispute; and (8) brokerage firms and investment advisors against claims of fraud, misrepresentation, and violations of federal and state laws.

Ms. Lyons earned her undergraduate and law degrees from West Virginia University and was recognized as a Phi Beta Kappa scholar. She is a graduate of Leadership West Virginia and is a member of the Defense Research Institute ("DRI") as well as the West Virginia Defense Trial Counsel.

Ms. Lyons is admitted to practice before the United States Supreme Court of Appeals, the West Virginia Supreme Court of Appeals, the United States District Court for Southern and Northern Districts of West Virginia.

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NEPALachia – Energy Policy, Pipelines and the Programmatic EIS

Mark “Buzz” L. Belleville Appalachian School of Law

Professor Belleville has played a central role in the development of ASL's natural resources law emphasis. He coaches moot court teams at major competitions in environmental law and energy law, and has served as faculty advisor for ASL's Natural Resources Law Journal, the Environmental Law Society, and the Energy and Mineral Law Society. Professor Belleville represented ASL in a successful Solar Pathways grant application made by a consortium of Virginia colleges to the Department of Energy seeking to facilitate the deployment of solar installations at non-profit entities. He developed and supervised a live client clinic focused on legal and regulatory work associated with solar energy deployment for colleges, communities and non-profit organizations. Professor Belleville represents ASL with the Energy and Mineral Law Foundation, serving on EMLF's scholarship and law school committees, and regularly presenting at EMLF's annual conferences.

Professor Belleville spent the 2015-2016 academic year as the Energy Law and Policy Teaching Fellow at the University of California Berkeley School of Law, teaching Energy Law and Policy and the Law of Renewables. He has also taught Natural Resources Law and Policy at Virginia Tech University as part of its Masters in Natural Resources program.

Before coming to ASL, Professor Belleville practiced for 10 years as a business litigator and counselor with Woods Rogers PLC in Blacksburg, Va., and Calfee, Halter & Griswold LLP in Cleveland and Columbus. His litigation practice focused on commercial contract disputes, environmental litigation, business torts, labor litigation, and premises liability. On behalf of a utility client, Professor Belleville obtained the first summary judgment in Ohio in defense of a premises liability asbestos claim, and helped draft significant asbestos reform legislation. He has also successfully defended multi-million dollar enforcement actions under both the Clean Air Act and the Clean Water Act on behalf of municipal and industrial clients. He is licensed to practice in Pennsylvania, Ohio, and Virginia.

Professor Belleville has written and given significant presentations on topics that include renewable energy law, the science of climate change for lawyers, fracking regulations, state solar energy regulation, wind energy, carbon regulation, incentives for renewable energy and efficiencies, careers in energy and mineral law, the law of climate change, protecting agribusinesses from liability, and liability issues associated with hiking trails.

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Comparative Analysis of Unique Title Matters

James (“Jay”) A. Carr II Vorys, Sater, Seymour and Pease LLP

Jay Carr is an associate at Vorys, Sater, Seymour and Pease LLP and a member of the firm’s finance, energy, and real estate group. His practice and experience span several areas, including oil and gas transactional matters, title review and due diligence, and litigation. He routinely prepares original title opinions and division order title opinions as well as assignments, amendments and ratifications, and releases of oil and gas leases for producers. He also litigates, or assists others in litigating, claims involving breach of an oil and gas lease, wrongful payment of royalties, and title to leasehold properties.

Jay holds a Bachelor of Science in Business Management, *cum laude*, from Grove City College, a Juris Doctor from Duquesne University, and a Masters of Business Administration, *summa cum laude*, from Ashland University. He is admitted to practice in the State Ohio, the Commonwealth of Pennsylvania, and the State of West Virginia as well as the United States District Court for the Western District of Pennsylvania and Southern District of West Virginia.

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Michael K. Vennum is “of counsel” in the Pittsburgh office of Vorys, Sater, Seymour and Pease LLP and a member of the finance, energy and real estate group. His practice encompasses a broad range of real estate, corporate, financing and construction-related projects. As part of his energy practice, he represents exploration and production companies and midstream operators in regional land development matters, including local zoning, road use, municipal ordinance challenged and general real estate issues. Michael has successfully obtained land development approval for well pad sites, central facilities, including compressor stations, pipelines and metering stations in Pennsylvania, West Virginia and Ohio. He is also a co-author of the Pennsylvania Bar Institutes’ second edition of Law of Oil and Gas in Pennsylvania.

Additionally, Michael has represented telecommunications companies, retail office brokers and commercial land developers in land use approvals, lease and general contract negotiations, construction disputes and commercial transactions, contract enforcement and judgment collections. Michael has advised corporate clients regarding municipal zoning and planning issues related to commercial developments. He has drafted and negotiated leases, master license agreements, commercial operating agreements, master services and independent contractor agreements and joined venture development agreements. He has counseled as to Federal and State Department of Environmental Protection regulations, review and cured issues related to Phase I Environmental Assessments and NEPA matters and reviewed curative action title searches and directed curative actions in order to confirm marketability of title.

Michael is an adjunct professor at California University of Pennsylvania, teaching courses in real estate, contract, business entities, oil and gas law, bankruptcy and legal theory. He is a member of the Board of Directors of the Pittsburgh Civil Light Opera (CLO), serving on the CLO’s Development Committee and the Education and Outreach Committee. Michael is an

active member of the Pennsylvania, Ohio and West Virginia Bar Associations and the Energy and Mineral Law Foundation, for whom he has extensively published and presented legal education seminars.

Prior to joining Vorys, Michael was a partner in the Bureson LLP Pittsburgh office. He also served as lead counsel for Cricket Communications, Inc., a nationwide mobile phone services provider, and as corporate counsel to Crown Castle USA, Inc., an operator and developer of wireless telecommunications towers.

Michael is licensed to practice in Pennsylvania, Ohio, West Virginia and New York. He received his J.D. from the University of Pittsburgh School of Law and his B.S. from Pennsylvania State University.

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Liability of Abstractor and Attorneys for Title Claims

P. Sean Cassidy Sean Cassidy and Associates, P.C.

Sean Cassidy is an attorney in Greensburg, Pennsylvania. He received his Bachelor of Science degree in Mathematics from Carnegie Mellon University, and his Juris Doctorate degree from the University of Pittsburgh School of Law, where he served as Note Editor for the *University of Pittsburgh Law Review*.

Mr. Cassidy is the author of *"Title Defects and Their Cure"*, Eastern Min. L. Inst., ch. 2 (1981), *"Preparation and Use of Title Opinions"*, Eastern Min. L. Inst., ch. 6 (1985), *"Title Failure"*, Eastern Min. L. Inst., ch. 11 (1990), *"Horizontal Division of Oil and Gas Leaseholds"*, Eastern Min. L. Inst., ch. 20 (1994), *"Division of Royalties - Who Gets What?"*, Energy & Mineral Law Institute, ch. 12 (2009), *Old Right of Way, New Pipe: The Right to Enlarge Pipelines and Related Equipment*, Energy & Mineral Law Institute, ch. 14 (2013), *When Does "Surface" Mean Only Surface*, Energy & Mineral Law Institute, ch. 8 (2014), and *Title Traps*, Energy & Mineral Law Institute, ch. 21 (2015). He is the author of *Oil and Gas Lease Negotiations*, published as part of the Audioline Series of the Pennsylvania Bar Institute and has presented seminars on oil and gas leasing and oil and gas titles for the Pennsylvania Bar Institute. Mr. Cassidy is a contributing author for *The American Law of Mining*, Second Edition, published by Matthew Bender & Co., Inc., and is also a contributing author for the treatise, *The Law of Oil and Gas in Pennsylvania*, First Edition, published by the Pennsylvania Bar Institute.

Mr. Cassidy is a Trustee of the Energy & Mineral Law Foundation, formerly known as the Eastern Mineral Law Foundation, and previously served as President of the Eastern Mineral Law Foundation from 1990 to 1991. In 2015, the Energy and Mineral Law Foundation named Sean Cassidy as the annual John L. McLaugherty Award recipient for outstanding contributions to the EMLF, the energy industry and the energy bar.

Mr. Cassidy's practice is concentrated primarily on all title aspects of coal, oil and gas and minerals during the period of 2011 through 2015. Mr. Cassidy previously rendered over 1,200 title certificates per year on coal, oil and gas and mineral properties. Due to the downturn in the oil and gas industry, approximately 400 title certificates were rendered in 2016.

Mr. Cassidy is a member of the Pennsylvania Bar Association and the Westmoreland County Bar Association. Mr. Cassidy has been the recipient of a Pro Bono Award from the Pennsylvania Bar Association and in 2003 was named the Westmoreland County Bar Association "Pro Bono Lawyer of the Year".

Mr. Cassidy is also active civically in the Westmoreland County community. For three years, he served as President of the Laurel Ballet Performing Company. He currently serves on the board of the Westmoreland Symphony Orchestra and is a board member and Secretary of the Westmoreland Cultural Trust. In addition, Mr. Cassidy also serves on the boards of the Pittsburgh Ballet Theatre and the Westmoreland Museum of American Art.

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Recent Decisions in the Law of Mineral Ownership in Virginia: Resolution or an Open Door?

Mason E. Heidt Appalachian School of Law

Professor Heidt is the Associate Dean for Academic Affairs and an Assistant Professor of Law at Appalachian Law School. He has taught Property; Appellate Advocacy; Contract Drafting; Coal Law; Energy, Economics, and the Environment; Environmental Science for Lawyers; and Mineral Title Search & Examination

Professor Heidt received his B.S. from Emory and Henry College in Emory, Virginia, and his J.D. from the George Washington University School of Law. Professor Heidt has also received a Master of Science degree in Environmental Science from the University of Wollongong in New South Wales, Australia. As a Master's student, Professor Heidt's studies focused on air pollution propagation and coastal estuarine ecology. While in law school Professor Heidt participated in Government Contracts Moot Court and handled employment law cases while working for the Jacob Burns Community Legal Clinics in Washington, D.C.

After graduating from law school, Professor Heidt practiced energy, mineral, and corporate law with the firm of Thomas L. Pruitt in Grundy, Virginia. His private practice experience has focused on mineral title, coalbed methane, and other property issues endemic to Southwest Virginia.

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From Railroads to Rights-of-Way

Beth R. Minear, Esq. VP Project Strategy and Regulatory Compliance Contract Land Staff, LLC

Beth Minear serves as Vice-President Project Strategy & Regulatory Compliance for Contract Land Staff, LLC, with her office in the West Virginia Regional. She is a recovering attorney, licensed to practice law in North Carolina, Pennsylvania and West Virginia. Among her roles with CLS is to assist clients in pre-planning, acquisition costs estimates, route feasibility and public outreach and messaging, as matters related to real property regulatory compliance,

asset management and critical infrastructure protection. Prior joining CLS, Beth served as Senior Counsel in the Commercial/Real Property Department for NiSource Inc., a diverse Fortune 500 energy company where she represented its electric, natural gas and microwave tower subsidiaries in real estate and commercial strategies, negotiations and acquisitions. Beth also advises clients on regulatory matters including Electronic Discovery, FERC Order 1000 for the electric industry and PHMSA compliance for natural gas.

Beth earned her J.D. at Capital University Law School and studied at St. Anne's College, University of Oxford, in 1997. Beth is a member the Board of Trustees for the Energy & Mineral Law Foundation as Trustee At Large. She is a member of the Legal Roundtable for Southern Gas Association and since 2010, is its outgoing Chair. Finally, Beth is a member of IRWA Chapter 21, supporting education and advancement efforts thereof.

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