

Energy & Mineral Law Foundation  
Kentucky Mineral Law Conference  
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## Speakers' Biographies

### **Mitchell E. Ayer** **Thompson & Knight LLP, Houston, TX**

Mitchell E. Ayer is a Partner in Thompson & Knight's Oil and Gas Practice Group in the firm's Houston office. His practice currently focuses on oil and gas transactions. Mr. Ayer counsels clients in acquisitions and dispositions of properties as well as acquisitions and dispositions of natural resource companies. He works extensively in oil and gas title due diligence in acquisitions of properties. Mr. Ayer's practice also encompasses representing creditors, trustees, debtors, and creditor committees in various bankruptcy matters. His oil and gas litigation practice is concentrated in state and bankruptcy courts, and he has several reported cases.

Mr. Ayer is Board Certified in Oil, Gas, and Mineral Law by the Texas Board of Legal Specialization. He is also Certified in Business Bankruptcy Law by the American Board of Certification. Mr. Ayer received his J.D., *magna cum laude*, from the University of Houston Law Center, his M.B.A. from Cleveland State University, and his B.A. from Wittenberg University. He is actively involved in several professional organizations, including the Houston Bar Association, Houston Energy Finance Group, Inns of Court, and American Bankruptcy Institute. Mr. Ayer has been named to *Texas Super Lawyers*<sup>®</sup> for multiple years. He served on the legendary Coast Guard Cutter Bibb from 1972 to 1974.

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### **Anne C. Blankenship** **Robinson & McElwee PLLC, Charleston, WV**

Anne C. Blankenship is a member of the law firm of Robinson & McElwee PLLC in Charleston, West Virginia, where she chairs the firm's Energy and Environment Department. Her practice includes representation of clients on environmental matters, with a focus on air quality issues. Ms. Blankenship also represents utilities on regulatory matters before the West Virginia Public Service Commission. Her clients include oil and natural gas companies, manufacturers and utility companies. Recently, Ms. Blankenship served as local counsel for an oil and natural gas company, defending state air permits that were being challenged on the issue of aggregation.

Ms. Blankenship earned her B.S. and M.S. in Biological Sciences from Marshall University and her J.D. from Capital University Law School. She is a member of the National Order of Barristers, the West Virginia State Bar, and the Defense Trial Counsel of West Virginia.

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**John T. Boyd II**  
**John T. Boyd Company, Canonsburg, PA**

John T. Boyd II is President and CEO of John T. Boyd Company (BOYD), an international mining, geological, and energy consulting firm headquartered outside Pittsburgh, Pennsylvania, with additional offices in Denver, Colorado; Brisbane, Australia; and Beijing, China. In addition to being an experienced lawyer on mining, environmental, natural resources, and regulatory matters, Mr. Boyd relies upon his finance background when performing comprehensive strategic, operational, and financial assessments, valuations, economic analyses, market forecasts, and sales agreement evaluations for BOYD's diverse client base.

Mr. Boyd was formerly General Counsel for Sears Home Improvement Products, a manufacturing, sales, and installation subsidiary of Sears, Roebuck and Company, and an associate at Thorp, Reed & Armstrong representing corporate clients litigating commercial transactions, regulatory, environmental, and natural resources disputes.

Recent presentations/publications include "The Markets for Coal, Natural Gas, and Oil," Energy & Mineral Law Foundation (2009), co-presenter of "Coal Asset-Based Transactions – A Case Study," Energy & Mineral Law Foundation (2010 and 2009), "Coal: Perception to Reality," Energy & Mineral Law Foundation (2008), "Energy Policy Act of 2005", Energy & Mineral Law Foundation (2005)", "The Policy of Mine Safety in the United States", China Coal Mine Safety Development and Production Symposium (2005), co-author of "Legal Implications of Mine Mapping Errors," 24 *E. Min. L. Inst.* (2003), and co-presenter of "Playing the Cards You're Dealt: How to Keep Producing Coal Despite Mountaintop Removal Permitting Issues," Winter Workshops, Energy & Mineral Law Foundation (2003).

Mr. Boyd earned a B.B.A. degree in Finance, *magna cum laude*, from The George Washington University and a J.D. degree from the University of Richmond.

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**Christopher Brumley**  
**Flaherty Sensabaugh Bonasso PLLC, Charleston, WV**

Christopher Brumley is a Member of Flaherty Sensabaugh Bonasso in Charleston, West Virginia, where he specializes in the defense of deliberate intent cases, representing employers in the coal, oil and gas, timber, construction, mining and drilling industries. He also counsels these clients in issues related to leases, contract agreements and other matters related to coal/natural resources litigation. Mr. Brumley has successfully represented coal operators, contractors and other employers in defending alleged citations before the federal offices of Mine Safety and Health Administration (MSHA) and the Occupational Safety and Health Administration (OSHA), as well as the West Virginia Office of Miner's Health, Safety and Training (WVMHST). He regularly counsels clients on regulatory practices, preventative measures and proper investigation and documentation of work-place accidents.

With an M.B.A. and a degree in Petroleum Engineering, Mr. Brumley is uniquely positioned to offer advice and guidance to clients in both business and natural resource matters. He serves as a leader of the firm's Coal, Oil and Gas practice group, and is a member of Friends of Coal, the Energy & Mineral Law Foundation, the West Virginia Defense Trial Counsel and the Defense Research Institute.

Mr. Brumley's practice also includes the representation of engineers, architects, accountants and financial brokers in professional liability cases, product manufacturers and maintenance companies in product liability matters and the representation of companies in maritime law issues.

Mr. Brumley earned his J.D. from West Virginia University College of Law (1998), his M.B.A. from West Virginia University (1991), and his B.S., Petroleum Engineering from Marietta College (1989). He is admitted to practice in West Virginia and Kentucky.

Mr. Brumley is a member of the Energy & Mineral Law Foundation, the West Virginia Coal Association, the West Virginia Defense Trial Counsel, the Defense Research Institute, the West Virginia Bar Association and the Kanawha County Bar Association.

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**Robert L. Burns**  
**Buchanan Ingersoll & Rooney PC, Pittsburgh, PA**

Mr. Burns is Counsel in the Pittsburgh office of Buchanan Ingersoll & Rooney PC. He is a member of the firm's Energy Section and Environmental Practice Group and focuses his practice on environmental law and its intersections with natural resources issues, including coal, natural gas and other energy areas, real estate development, construction, commercial transactions, litigation, manufacturing, and waste. He has counseled clients regarding the acquisition, sale and/or lease of, and title to, coal and oil and gas interests, and regarding environmental regulation and permitting for the development and production of coal and oil and gas, as well as related infrastructure. Mr. Burns has also advised borrowers and financial institutions regarding secured credit facilities for borrowers in the coal and oil and gas industries. He has counseled clients with regard to the purchase, sale, and remediation of brownfields and other environmentally-impacted and environmentally-sensitive properties, and concerning the purchase, development and construction of "green" buildings.

Mr. Burns has written and lectured regarding Marcellus Shale regulatory developments in Pennsylvania and regarding legal developments concerning "green" buildings. He is certified as an accredited professional under the LEED (Leadership in Energy and Environmental Design) Green Building Rating System issued by the United States Green Building Council.

Mr. Burns received his Juris Doctor from West Virginia University in 1994, where he was a student works editor for the *West Virginia Law Review* and a member of the Order of the Coif. Mr. Burns received a Bachelor of Arts in English and a Bachelor of Science in Aerospace Engineering from the Virginia Polytechnic Institute and State University in 1991. He also received a Masters of Science in Environmental Engineering from Marshall University in 2000.

In addition to his bar memberships, Mr. Burns is a member or associate of the Energy & Mineral Law Foundation, the Engineers' Society of Western Pennsylvania, the Air and Waste Management Association, the Environmental Law Institute, and the American Institute of Architects. Prior to entering private practice, he was a law clerk to the Honorable Charles H. Haden, Chief Judge of the United States District Court for the Southern District of West Virginia. He is licensed to practice in Pennsylvania and West Virginia, and is admitted to practice before the United States Court of Appeals for the Fourth Circuit and the United States District Courts for

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**Maureen D. Carman**  
**Attorney at Law, Versailles, KY**

Before practicing law in Versailles, Kentucky, Maureen Carman was Counsel at Wyatt, Tarrant & Combs, LLP in the Lexington, Kentucky office and was a member of the Firm's Mineral and Energy Practice Group. She concentrates her practice in the areas of surety, construction, creditor bankruptcy and mineral and energy law. Ms. Carman was formerly in-house General Counsel for Cumberland Surety Insurance Company, Inc. She served as a director on the Board of Directors for the Mediation Center of Kentucky (1992-1997) and was managing attorney in the Office of General Counsel for the Kentucky Natural Resources and Environmental Protection Cabinet (1985-1990).

Ms. Carman is Past President of the Energy & Mineral Law Foundation (President, 2008-2009) and served as Chair of the Strategic Planning Committee for the 2008-2011 Plan. She also served as President of the Kentucky Association of Bonding Institutions (1992-2000). Recent publications include "SMCRA Enforcement in Bankruptcy: Regulatory Powers Revisited," 25 *Energy & Min. L. Inst.* ch. 7 (2005); "Regulatory and Transactional Bonding: A Primer on Surety Bonding for the Mineral Lawyer," 17 *E. Min. L. Inst.* (1996); *The Law of Suretyship*, 2nd Ed., Gallagher, Ed., ABA, 2000. She has participated as a speaker and panelist on the topics of mining reclamation, surety bonding and law office management since 1980.

Ms. Carman received her B.A. with honors in 1975 and her J.D. in 1979 from the University of Kentucky.

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**Kevin L. Colosimo**  
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Mr. Colosimo is managing partner of Burleson's Pittsburgh office and concentrates his practice in the areas of energy law and business litigation. He also has experience in international trade and creditors' rights, and has provided counsel to clients on a range of other legal matters including risk management alternatives, claims assessment and litigation strategy. He has tried numerous cases to verdict in federal and state courts, and he has argued before the Pennsylvania Superior, Commonwealth and Supreme Courts and the United States District Court for the Third Circuit. He is admitted to the U.S. Supreme Court and the United States Court of International Trade. He is rated AV by Martindale Hubbell. Kevin is a Western Pennsylvania native and a graduate of Duquesne Law School, where he served on the *Duquesne Law Review*.

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**Kathy K. Condo**  
**Babst, Calland, Clements and Zomnir, P.C., Pittsburgh, PA**

Kathy Condo is a shareholder in the Litigation Services Group of Babst Calland. Kathy has spent more than 25 years handling toxic tort and products liability litigation in various federal and state courts, which has included trial work, as well as the multi-state coordination of the defense of repetitive litigation. During the course of her representation of clients in the toxic tort and product liability area, she has worked with and opposed numerous technical and medical expert witnesses. Her experiences include trying a toxic tort case for an international electronics manufacturer involving claimed injuries due to heavy metal exposure and defending class action complaints involving claimed environmental exposures. More recently, Kathy has become involved in counseling clients in threatened toxic tort litigation related to Marcellus Shale development and defending these cases when filed.

Kathy graduated *summa cum laude* and first in her class from Duquesne University School of Law, with a J.D. in 1981, where she was Executive Recent Decisions Editor of the *Duquesne Law Review*. She received her M.S.W. from the University of Pittsburgh in 1975. Kathy received her B.A., with high distinction, from the Pennsylvania State University in 1974, where she was selected for membership in Phi Beta Kappa.

Kathy is admitted to practice in Pennsylvania and West Virginia and has been a member of the Academy of Trial Lawyers since 1992. Kathy was appointed by the Pennsylvania Supreme Court to serve a three-year term on the Pennsylvania Civil Procedural Rules Committee.

Over the years, Kathy has spoken frequently on various subjects related to litigation, including *Daubert* challenges, and recent developments in civil procedure and evidence.

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**Martin J. Cunningham**  
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Martin J. Cunningham is a member of Greenebaum Doll & McDonald's Environment, Energy & Natural Resources Practice Group in Lexington, Kentucky. His practice focuses on coal law matters including acquisitions and sales, regulatory litigation (environmental and safety), contracts and property transactions for mineral producers. Martin also represents businesses by advising clients on hazardous waste, solid waste and water liability, permitting and compliance matters.

Mr. Cunningham was elected for inclusion in *The Best Lawyers in America*® 2007-2011 in the fields of Environmental and Mining Law. He is a member of the Natural Resources Section of the Kentucky Bar Association and the Energy & Mineral Law Foundation.

Mr. Cunningham received his J.D. from Salmon P. Chase College of Law in 1980 and his B.S. from Eastern Kentucky University in 1977. He is licensed to practice in Kentucky.

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**Anna M. Dailey**  
**Dinsmore & Shohl, LLP, Charleston, WV**

Anna Dailey is a partner with Dinsmore & Shohl LLP in Charleston, West Virginia. She has practiced law for over 30 years. Her practice involves all facets of labor law issues, including legal assistance on lawful communications in union organizing campaigns, contract negotiations, unfair labor practices, strikes, successorship questions and arbitrations. Her practice also includes advising and defending corporations on employment issues, including discrimination charges, wrongful discharge litigation and advice on handling employment decisions. She has represented clients in both state and federal jury trials. Ms. Dailey drafted drug testing legislation introduced in West Virginia. In her trial practice, Ms. Dailey has obtained two multi-million dollar jury verdicts against the UMWA for violent strike conduct. Ms. Dailey is a frequent speaker on labor and employment issues, including a Labor Law Seminar sponsored by NLRB Region 9 and has spoken before both the Energy & Mineral Law Foundation and the former Coal Lawyer's group of the National Coal Association.

Ms. Dailey is admitted to practice before the U.S. Supreme Court, the Fourth and Sixth Circuit Courts and the West Virginia and D.C. bars. She is a 1975 graduate of Vanderbilt University and received her J.D. from West Virginia University in 1979. Before beginning her labor and employment practice in 1984, she worked with the U.S. Department of Interior, representing the Office of Surface Mining, in regulating surface coal mining.

Active in local civic groups, Ms. Dailey is on the Board of Directors for the West Virginia Chamber of Commerce and past-chairman of the Board of Directors for Leadership West Virginia. She is also serving a six-year term as President of the Kanawha County Parks and Recreation Commission and is on her firm's Associate Evaluation Committee. Ms. Dailey is a Trustee of the Energy & Mineral Law Foundation.

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**Lesly A.R. Davis**  
**Wyatt, Tarrant & Combs, LLP, Lexington, KY**

Ms. Davis serves as counsel in the Lexington office of Wyatt Tarrant & Combs, LLP and is a member of the Firm's Natural Resources and Environmental service team. Ms. Davis has over 20 years of experience representing clients in the coal and non-coal mining industries, as well as in the practice of environmental and administrative law. Ms. Davis assists coal and non-coal mining clients in due diligence, permitting, enforcement and litigation matters under federal, state and local laws, including the Surface Mining Control and Reclamation Act, the Clean Water Act and the Clean Air Act. She also represents clients in environmental matters under the Comprehensive Environmental Response, Compensation, and Liability Act and the Resource Conservation and Recovery Act. She regularly defends clients in enforcement actions and permitting challenges brought before the Kentucky Energy and Environment Cabinet's Office of Administrative Hearings and before the United States Environmental Protection Agency, and assists industry clients in mineral transactional work, including asset and stock acquisitions as well as permit transfers. Ms. Davis is licensed in the Commonwealth of Kentucky and is admitted to practice before the United States District Courts for the Eastern and Western Districts of Kentucky, the Northern District of Alabama, and the U.S. Court of Appeals for the Sixth and Eleventh Circuits.

Ms. Davis regularly makes presentations for professional groups including Kentucky's Professional Engineers in Mining, the National Symposium of Mining, Government Institutes, National Business Institutes and Kentucky Excellence in the Environment (KY EXCEL). Ms. Davis has published numerous articles focusing on coal and environmental law, including articles published by the Energy & Mineral Law Foundation, the American Bar Association's Mining Committee, the American Bar Association's Environmental Committee, The Kentucky Manufacturer and The Coal Leader.

Ms. Davis is a member of the American and Kentucky Bar Associations, the Franklin and Fayette County Bar Associations, the Kentucky Coal Association, the Lexington Coal Exchange, and the Energy & Mineral Law Foundation. Prior to joining Wyatt, Tarrant & Combs and attending law school, Ms. Davis was employed by the Ohio Environmental Protection Agency where she conducted public hearings of a technical nature regarding Ohio's comprehensive water quality reports.

Ms. Davis received her B.A. degree, *magna cum laude*, from Morehead State University with a joint major in environmental science and government. She received her J.D. from the University of Cincinnati, College of Law.

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**Shyla Blackketter Dwyer**  
**Chesapeake Energy Corporation, Oklahoma City, OK**

Shyla Blackketter Dwyer is a Regulatory Attorney with Chesapeake Energy Corporation in Oklahoma City, OK. Ms. Dwyer attended Oklahoma Christian University in Edmond, Oklahoma and received a Bachelors of Science in Mechanical Engineering. Upon completion of her engineering degree she worked for Tinker Air Force Base in Oklahoma City as an industrial and aerospace engineer. Ms. Dwyer received her Juris Doctor from Oklahoma City University where she graduated with distinction.

Ms. Dwyer has been intimately involved in the aggregation issue on behalf of Chesapeake, including a recent air permit appeal in West Virginia, and has authored white papers on the subject on behalf of the West Virginia Oil and Natural Gas Association and the Marcellus Shale Coalition.

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**J. Kevin Ellis**  
**Antero Resources Corporation, Ellenboro, WV**

Kevin Ellis joined Antero Resources in January 2011, and manages its Ellenboro, WV office. Antero Resources is an independent exploration and production company engaged in the acquisition, development, and production of unconventional natural gas resources in the United States. Unconventional play types for Antero include fractured shales and tight sands. Corporate headquarters are located in Denver, Colorado. Antero has properties in the Appalachian Basin in West Virginia and Pennsylvania, the Piceance Basin in Colorado, and the Arkoma Basin in Oklahoma. Antero currently has approximately 280 MMcfe per day of gross operated production

or 250 MMcfe per day net including non-operated production. The net daily production figure includes approximately 2,500 Bbls per day of natural gas liquids (NGLs) and oil.

Prior to joining Antero Resources, Kevin worked with Bluestone Energy Partners, a privately held independent exploration and production company engaged in the production of conventional and unconventional natural gas resources in Harrison and Doddridge Counties, WV. While at Bluestone, Kevin focused his efforts on business development and served as in-house counsel. Bluestone Energy Partners completed a transaction with Antero Resources in late 2010, in which Bluestone merged with and into a wholly owned subsidiary of Antero Resources Appalachian Corporation.

Previously, Kevin was with the law firm of Steptoe & Johnson PLLC in the firm's Morgantown, West Virginia office, where he was a member of the firm's Energy Practice Group. During his time with Steptoe & Johnson, Kevin's law practice focused on mineral title and real property law, land and mineral transactions, business and asset acquisitions, regulatory and permitting matters, as well as related business litigation for clients in the coal, oil and gas industry.

During and continuing after Kevin's graduation from the Citadel, The Military College of South Carolina in 1992, he served in the United States Army Reserves, both in the enlisted ranks and as a commissioned officer. He was deployed with his reserve unit to Southwest Asia in support of Desert Storm.

Kevin obtained his law degree from the West Virginia University College of Law. He is an active member of the bar in the states of West Virginia and South Carolina. Kevin is admitted to practice before the state courts in South Carolina, and the state and federal district courts in West Virginia. Kevin is an active member of the Energy & Mineral Law Foundation, Independent Oil & Gas Association of West Virginia (IOGAWV) and West Virginia Oil and Natural Gas Association (WVONGA).

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**Richard L. Gottlieb**  
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Richard L. Gottlieb, a Partner with Lewis, Glasser, Casey & Rollins, PLLC in Charleston, West Virginia, primarily represents oil and natural gas producers and other energy businesses in regulatory, litigation and commercial matters. He a former counsel in the Office of Enforcement in the Federal Energy Regulatory Commission and was a senior attorney with Columbia Gas Transmission Corporation.

Mr. Gottlieb is listed in *Best Lawyers in America*® for natural gas law and in *West Virginia SuperLawyers*® for commercial litigation.

Mr. Gottlieb has managed and led complex, high-dollar commercial litigation cases representing energy firms, financial institutions and large corporations. He has represented major natural gas producers in class action royalty disputes, other lease issues, contract cases and environmental and property damage claims; natural gas producers in regulatory and permitting cases before the West Virginia Oil and Gas Conservation Commission, the West Virginia Shallow Well Commission and the Coalbed Methane Review Commission; natural gas local distribution companies, telecommunication companies and other utilities before the Public Service Commission of West Virginia; brokerage firms, investment advisors, national banks and other lending institutions in federal class actions involving claims of fraud, misrepresentation, and



violations of federal and state laws; lessors and lessees in mineral lease and joint operating agreement litigation and arbitrations; natural gas producers and developers investing in the acquisition of natural gas rights and development of the Marcellus Shale.

After attending Warwick University in Coventry, England, Mr. Gottlieb received his Bachelor of Arts from Tulane University and his law degree from Washington & Lee University.

He is admitted to the West Virginia and District of Columbia bars and practices before all West Virginia Federal and state courts.

Mr. Gottlieb is a member of the Board of Trustees and former officer of the Energy & Mineral Law Foundation and a member of the Legal Committee for the West Virginia Oil & Natural Gas Association.

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**Edward M. Green**  
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Edward M. Green is senior counsel in the Washington, D.C., office of Crowell & Moring LLP where he specializes in regulatory and legislative matters affecting the mining and natural resources industries. Mr. Green's practice focuses on safety and health matters arising out of the Federal Mine Safety and Health Act of 1977 and the Occupational Safety and Health Act of 1970. He is especially expert on complex occupational health issues relating to respirable dust, diesel particulate matter, silica, other airborne contaminants, occupational noise exposure, and the approval and certification of respirators and mining machinery and equipment.

Mr. Green also advises mining industry and other clients on compliance issues relating to the regulation of explosive materials by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"). He also advises a variety of clients on compliance issues concerning the National Firearms Act and the Gun Control Act, and the complex regulations which implement those statutes.

In addition to his regulatory and legislative practice, Mr. Green counsels non-profit organizations and trade associations. He is general outside counsel to such diverse organizations as the International Cyanide Management Institute and the U.S. Council for Landcare Initiative, Inc.

Before joining Crowell & Moring in 1993, beginning in 1970, Mr. Green was an attorney at the U.S. Department of the Interior specializing in mining issues. He drafted many of the mine safety and health regulations still in force today. From 1973 to 1975, he served as a special counsel to the Secretary of the Interior, charged with focusing on legal issues relating to the controversial bills being considered by the Congress that were ultimately enacted as the Surface Mining and Control and Reclamation Act of 1977. He received personal recognition for his efforts from President Richard Nixon. He then served as Special Assistant and Chief of Staff to the Administrator of the Mining Enforcement and Safety Administration (predecessor of MSHA), receiving a citation for meritorious service from Interior Secretary Cecil Andrus for that work.

Mr. Green left government service in 1977 to join the American Mining Congress (a predecessor organization to the National Mining Association). At AMC he served as general counsel and secretary. Among his primary responsibilities at AMC were oversight of the Association's work on Executive Branch regulatory matters and management of AMC's extensive litigation program.

Mr. Green has spoken and written extensively on mining topics. He is a Past President of the Energy & Mineral Law Foundation, and continues as a Trustee of that organization. He received both his B.A. degree and his J.D. degree from Boston University under the University's Accelerated Combined Degree Program.

Mr. Green is admitted to practice before several U.S. Courts of Appeals and in the District of Columbia.

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**Karen J. Greenwell**  
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Karen Greenwell is a partner in the Lexington, KY, office of Wyatt, Tarrant & Combs, LLP. With nearly 25 years of legal experience in the mineral and energy industry, 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. Ms. Greenwell's experience in litigating property and mineral-related contract and business tort disputes, as well as in other types of commercial litigation, gives her an unusual breadth of experience and perspective in dealing with issues affecting mineral and energy industry clients.

She is a frequent speaker and author for organizations such as the Energy & Mineral Law Foundation, the Rocky Mountain Mineral Law Foundation, the Institute for Energy Law, and the Conference of Government Mining Attorneys. Ms. Greenwell is a Trustee of the Energy & Mineral Law Foundation and a Fellow of the Institute for Mining and Mineral Research. She is also on the Advisory Board of the Institute for Energy Law.

Wyatt is a member of the Kentucky Consortium for Carbon Storage, and Ms. Greenwell is one of the leaders of its task force on legal issues relating to carbon capture and storage.

She earned her B.A. and J.D. degrees from the University of Kentucky with highest honors. She has been selected for Woodward/White's *The Best Lawyers In America*®, and she has been recognized by her peers as one of the Kentucky Super Lawyers for 2009, 2010 and 2011.

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**Vaughn R. Groves**  
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Vaughn R. Groves has been Executive Vice President, General Counsel, and Secretary of Alpha Natural Resources, Inc. since August 2009. Prior to the merger with Foundation in July 2009, he served as Senior Vice President from February 2009 until August 2009, as Vice President from September 2006 until February 2009, and as Secretary and General Counsel from November 2004 until July 2009. Vaughn joined the management team as the Vice President, Secretary and General Counsel of Alpha Natural Resources, LLC in October 2003, and also served as the Vice President and General Counsel of ANR Holdings, LLC from November 2003 until ANR Holdings, LLC was merged with another of its subsidiaries in December 2005. He served as Vice President and General Counsel of Pittston Coal Company from 1996 until joining Alpha, and as Associate

General Counsel of Pittston Coal Company from 1991 to 1996. Before joining Pittston, Vaughn was associated with the law firm of Jackson Kelly PLLC, one of the leading mineral law firms in the Appalachian region. He is also a mining engineer and before obtaining his law degree, he worked as an underground section foreman, construction foreman and mining engineer for Monterey Coal Company.

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**Timothy J. Hagerty**  
**Frost Brown Todd LLC, Louisville, KY**

Tim Hagerty is a Member of Frost Brown Todd LLC, in Louisville, Kentucky, where he concentrates his practice in environmental, natural resources, and land use law. He has practiced for over fifteen years in the areas of wetland and stream regulation, as well as wastewater permitting, under the Clean Water Act. Mr. Hagerty has assisted clients in obtaining and defending permits under the Clean Water Act for projects ranging from large, master-planned communities to large-scale commercial developments to riverboat casinos. He has provided compliance counseling and represented clients in litigation concerning surface mining, oil and gas operations, major electric generation and transmission projects, petroleum pipeline projects, and major highway and transit projects throughout the country. Mr. Hagerty also has extensive experience assisting public and private clients in complying with the National Environmental Policy Act (NEPA), the Endangered Species Act, the Clean Air Act, the National Historic Preservation Act, and related resource review requirements.

Mr. Hagerty is a frequent speaker at regional and national conferences and seminars regarding the Clean Water Act, NEPA, and related environmental laws. Before joining Frost Brown Todd, Mr. Hagerty practiced environmental law with Beveridge & Diamond, P.C., in Washington, D.C.

He is a graduate of the Yale Law School and the University of Louisville.

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**John (Jay) Hammond**  
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John (Jay) Hammond is Lead Senior Counsel with the Appalachian Michigan Business Unit of Chevron North America Exploration and Production Company. Prior to Chevron's acquisition of Atlas Energy, Inc. in February 2011, Jay served as Vice President and General Counsel for Atlas Energy Resources, LLC, the entity holding Atlas' exploration and production business; he also served as Assistant General Counsel and Assistant Secretary of Atlas Energy, Inc. In these roles Jay dealt with various transactional, regulatory and corporate matters for Atlas. Prior to joining Atlas, Jay was Assistant General Counsel of CNX Gas Corporation and a Senior Attorney at CONSOL Energy Inc. until his transition to CNX Gas.

Jay received his law degree from Cornell Law School in 2000.

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Wyatt L. Hogan has served as Vice President, General Counsel and Secretary of Natural Resource Partners L.P. since 2003. Mr. Hogan joined NRP in May 2003 from Vinson & Elkins L.L.P., where he practiced corporate and securities law from August 2000 through April 2003. He has also served since 2003 as the Vice President, General Counsel and Secretary of Quintana Minerals Corporation, the General Counsel for the general partner of Western Pocahontas Properties Limited Partnership and as General Counsel for the general partner of Great Northern Properties Limited Partnership. He is also member of the Board of Directors of Quintana Minerals Corporation. Prior to joining Vinson & Elkins in August 2000, he practiced corporate and securities law at Andrews & Kurth L.L.P. from September 1997 through July 2000.

Mr. Hogan graduated from The University of Texas School of Law with honors in 1997, and graduated *magna cum laude* from Duke University in 1994 with a B.A. in Public Policy Studies.

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H. Carl Horneman is a member of the Natural Resources & Environmental Service Team for Wyatt, Tarrant & Combs, LLP and is located in the firm's Louisville, Kentucky office. He concentrates his practice in the areas of compliance counseling, permitting, environmental liabilities in business transactions and litigation, with a strong emphasis on defending government enforcement actions, and cost recovery and toxic tort claims. Mr. Horneman also focuses on compliance counseling and defending enforcement actions related to worker safety and health laws.

Mr. Horneman has handled numerous remediation projects and/or cost recovery claims governed by CERCLA, RCRA and state counterpart programs and state Brownfield programs. He has defended enforcement actions and citations issued by and negotiated environmental permits with Kentucky, Indiana, Ohio, Tennessee, Alabama and Illinois agencies, and U.S. EPA, and has counseled facilities throughout North and South America on compliance with environmental and worker health and safety requirements. He also has extensive experience counseling clients on environmental liabilities in business and real estate transactions, and negotiating terms to allocate those liabilities.

Mr. Horneman served as Senior Counsel, Environmental Law and EHS Practice Group Leader for the General Electric Company's Consumer & Industrial business. He was a law clerk to the Honorable Pierce Lively while he was Chief Judge for the United States Sixth Circuit Court of Appeals and held various positions in the Kentucky Natural Resources and Environmental Protection Cabinet.

Mr. Horneman was chosen for *Woodward/White's The Best Lawyers in America*® in 2008-2011 in the area of environmental law and in 2012 was selected as best Lawyer of the Year in the category of Litigation – Environmental for Louisville, Kentucky. He also was named in the Chambers USA America's Leading Business Lawyers 2009-2011 in the area of environmental law. He is a member of the Louisville and Kentucky Bar Associations; a former Chair of the Major Appliance Resource

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**John R. Jacus**  
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John R. Jacus represents clients under all major federal and state environmental laws and regulatory programs, including the Clean Air Act (CAA). His air quality experience includes rulemaking and adjudicatory proceedings, environmental auditing and voluntary disclosure, permitting, compliance counseling and enforcement defense, and the appeal of final agency actions. Mr. Jacus' environmental practice has emphasized the unique legal and operational requirements applicable to the oil and gas, mining and other natural resources industries, as well as for manufacturing and service industries. Mr. Jacus has represented clients in the favorable resolution of consent decrees and administrative orders under the CAA and state counterparts, as well as rulemaking to adopt New Source Review (NSR) reforms and to implement State Implementation Plan (SIP) revisions, among other CAA administrative and judicial proceedings. Recent CAA projects include Title V permit renewals, NGO appeals of source determinations (aggregation) in state and federal permitting contexts, Maximum Achievable Control Technology (MACT) applicability and compliance disputes, the resolution of various air permitting issues in Indian Country; and state, federal and tribal CAA enforcement defense and administrative/civil penalty negotiations for alleged violations.

He speaks and writes frequently on air quality and other environmental issues, and is a Vice Chair of the Air Quality Committee of the American Bar Association's Section of Environment, Energy & Resources (SEER), and a Trustee of the Rocky Mountain Mineral Law Foundation (RMMLF), currently serving as the SEER Liaison to RMMLF. John has also served as Chair of the Environmental Law Section of the Colorado Bar Association (1996-1997), and twice served on the Executive Council of ABA SEER, among other bar leadership positions.

John obtained his B.A. in Environmental Policy from Stanford University (The Program in Human Biology) in 1979, and his J.D. from the University of Colorado School of Law in 1984.

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Eric Lycan, Of Counsel for Steptoe & Johnson PLLC in Lexington, Kentucky, brings to his clients a wealth of experience in complex litigation, concentrating on business, energy and public policy issues.

He maintains a vibrant election and campaign finance law practice, helping individuals and businesses make their voices heard by policymakers through political advocacy options including independent speech, PACs, 527s and other entities. He presented on campaign finance and election law to the 2011 RNLA (Republican National Lawyers Association) National Election Law Seminar. He

represented a major party Congressional campaign in the recanvass of the 2010 election, and advises significant Kentucky industries and associations on political advocacy options.

Eric was the Kentucky Chairman of Young Professionals for W in 2004 and Lawyers for McCain in 2008. He serves on the Board of Trustees for Centenary United Methodist Church and is a Past President of both the Lexington Children's Theatre and the Lexington Young Professionals' Association. He is a member of the Kentucky Coal Association, serves on the Litigation Committee for the Kentucky Chamber of Commerce and is a member of the 2011 class of Leadership Kentucky.

Mr. Lycan earned his B.A. in Economics from Centre College, and his J.D. from the University of Kentucky. He practices in all state and federal courts in Kentucky, as well as before a number of administrative agencies.

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### **A. George Mason**

#### **A. George Mason, Jr., PSC, Lexington, KY**

George Mason is the principal of A. George Mason, Jr., PSC, a law firm located in Lexington, KY, specializing in representing companies & individuals who want to develop oil, gas, coal, coalbed methane (CBM) and Marcellus & Utica Shale properties. Based on extensive experience negotiating and drafting oil, gas, coal and CBM legislation and regulations, he advises clients of the actual and potential impact on operations from energy, environmental and tax initiatives.

Mr. Mason was involved in negotiating and drafting the 1990 Virginia Gas & Oil Act and its CBM provisions, West Virginia's 1994 CBM legislation and regulations, and Section 1339 of the Energy Policy Act of 1992 (EPACT), entitled "Ownership of Coalbed Methane." He was active in the negotiations in Pennsylvania by coal, oil and gas operators that led to Pennsylvania removing itself from the list of "Affected States" in Section 1339. He was a member of the Kentucky CBM Legal Committee, which negotiated and drafted Kentucky's CBM statute (Ky. Rev. Stat. §349) and regulations (805 Ky. Admin. Regs. 9).

Before entering law school, Mr. Mason served active duty tours with the U.S. Army Special Forces (Airborne) and the 101st Airborne Division ("Screaming Eagles"). He retired from the U.S. Army Reserve with the rank of Colonel.

Mr. Mason received his B.A. and J.D. from the University of Kentucky, where he was a member of the *Kentucky Law Journal*. He is licensed to practice law in Kentucky, Tennessee, Virginia, West Virginia and Pennsylvania. He is admitted to practice before the U.S. District Courts of Kentucky and Virginia, Southern District of West Virginia, U.S. Court of Appeals for the Fourth and Sixth Circuits, and the U.S. Supreme Court. He served as the Assistant General Counsel of Massey Energy Company and, prior to that, was the Vice President and General Counsel of Equitable Production Company (now named EQT Production Co.), before starting his own law firm.

Mr. Mason is a Trustee of the Energy & Mineral Law Foundation, and has spoken at numerous EMLF seminars and the Kentucky Mineral Law Conference. Mr. Mason has been an Adjunct Professor of Law at the Salmon P. Chase College of Law, Northern Kentucky University, where he taught Oil & Gas Law and Coal Law. He is a member of the Advisory Boards for the Virginia

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Timothy M. Miller is a Member of Robinson & McElwee PLLC in Charleston, West Virginia, where he is Chair of the Litigation Department. His practice focuses on energy and natural resources law and related corporate representation and civil litigation. He has tried numerous civil cases to jury trial conclusion in federal and state courts throughout West Virginia. Mr. Miller has significant experience in complex litigation and class action litigation, including cases before the West Virginia Mass Litigation Panel and the West Virginia Supreme Court of Appeals. He regularly represents natural resource companies in various matters related to title, contract, royalty, property damage, environmental claims and other disputes, and also represents oil and gas companies before various permitting and regulatory agencies. He is recognized in Woodward and White's publication, *The Best Lawyers in America*®, in the area of Oil and Gas Law, and has been selected as one of West Virginia's "Super Lawyers" in the area of Civil Litigation Defense by the publication, *Super Lawyers*®.

Mr. Miller received his Bachelor of Science degree in Business Administration from West Virginia University in 1977, and received his Juris Doctor degree from the West Virginia University College of Law in 1980. He is a member of the Defense Research Institute, the Defense Trial Counsel of West Virginia, the American Bar Association, Section of Litigation, and the Energy & Mineral Law Foundation, serving currently as Vice President and President-Elect and as a member of the Executive Committee. He also serves on the Board of Directors for the United Way of Central West Virginia. For more information about Mr. Miller and his firm, go to [www.ramlaw.com](http://www.ramlaw.com).

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Kirk A. Moore is an Associate General Counsel of Noble Energy, Inc. in Houston, Texas. His primary areas of practice include oil and gas, corporate services and employment law. He has been active in the Houston Bar Association, including serving as the Chair of the HBA Corporate Counsel Section and the Association of Corporate Counsel.

Mr. Moore graduated from the University of Tulsa College of Law and from Southwest Missouri State University with a B.S. in Political Science.

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Kirsten L. Nathanson is a partner in the Washington, D.C., office of Crowell & Moring LLP and a member of the firm's Environment & Natural Resources Group. Her practice focuses on environmental litigation, enforcement defense, risk assessment, and regulatory counseling under the major federal environmental and public lands statutes. Her litigation experience covers the Clean Water Act, Clean Air Act, Endangered Species Act, NEPA, SMCRA, RCRA, and CERCLA, encompassing citizen suit defense, regulatory challenges, remediation cost recovery and defense, Administrative Procedure Act actions, and EPA enforcement.

Her current practice includes defending a natural gas company in a threatened Clean Water Act citizen suit related to operations in the Marcellus shale; representing a coal company in a citizen suit brought under RCRA and SMCRA related to the company's handling and disposal of coal ash; defending a Fortune 50 company in a citizen group challenge to the company's environmental remediation activities at a historical industrial facility; litigation for the American Farm Bureau Federation and other trade associations against EPA challenging the Chesapeake Bay Total Maximum Daily Load (TMDL) as contrary to the APA and Clean Water Act; litigation for the National Mining Association against EPA and the Corps of Engineers under the APA, Clean Water Act, NEPA, and SMCRA challenging the Enhanced Coordination Process and Detailed Guidance directed toward eastern U.S. coal mining operations; representing a coal company in litigation under NEPA and other federal public lands law related to future operations in the Powder River Basin; litigating the first Endangered Species Act citizen suit against a wind energy project; defending a Clean Water Act criminal enforcement action against a private wastewater treatment corporation; litigating through trial a Clean Water Act citizen suit for a major animal agriculture corporation; serving as national coordinating counsel to a Fortune 10 company in its toxic tort litigation; and regulatory litigation for the National Mining Association under SMCRA.

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 is Past President and a member of the Board of Trustees of the Energy & Mineral Law Foundation and also leads the Crowell & Moring Women Attorneys' Network. She is a graduate of the University of Pennsylvania and the George Washington University Law School.

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Stephanie Ojeda is Director & Assistant General Counsel of Human Resources & Safety for CAPP North and Central at Virginia based, Alpha Natural Resources. For three years, she served as Senior Corporate Counsel at the former Massey Energy Company. She began her legal career at the West Virginia based law firm, Steptoe & Johnson PLLC, before entering public service as a judicial law clerk to the Honorable John T. Copenhaver, Jr. of the United States District Court for the Southern District of West Virginia and as an Assistant United States Attorney at the Southern District of West Virginia Criminal Division. Ms. Ojeda has also served as an adjunct instructor for appellate advocacy at the West Virginia University College of Law.



Ms. Ojeda received her Bachelor's degree from West Virginia Wesleyan College, where she double majored in English literature and secondary education. She received her law degree from West Virginia University College of Law, graduating Order of the Coif. While in law school, Ms. Ojeda served as a member and associate editor of the *West Virginia Law Review* and was the 1998 recipient of the Patrick Duffy Koontz Award for Scholarship, Leadership & Character. She is currently pursuing an EMBA from West Virginia University College of Business and Economics. A native of Logan County, West Virginia, Ms. Ojeda resides in Charleston, West Virginia with her husband and two sons.

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**Charles R. Patton**  
**Appalachian Power Company, a unit of American Electric Power**

Charles Patton is President and Chief Operating Officer for Appalachian Power, serving approximately one million customers in West Virginia, Virginia and Tennessee. He has authority for distribution operations and a wide range of customer and regulatory relationships.

Previously, Patton was executive vice president – AEP Utilities West, responsible for the distribution, customer service, and financial performance of AEP's utility operating companies in the states of Arkansas, Louisiana, Oklahoma and Texas.

In 2008, Patton was named senior vice president – Regulatory and Public Policy, responsible for regional transmission organizations and public policy, case management and regulated tariffs; and for the development and/or coordination of policies on RTO, regulatory and public policy related issues; the strategic coordination of state governmental affairs efforts; and the development and coordination of NERC reliability standards compliance programs.

From 2004 to 2008, Patton was president and chief operating officer for AEP Texas, serving approximately 901,000 customers.

Prior to this, he was state president – Texas. His strategic focus was on community relations and public policy matters in the state, particularly as they related to AEP's business in the increasingly competitive electricity industry. He was responsible for building and maintaining external relationships with regulators, legislators, consumers and other stakeholders who have an impact on AEP for public policy matters in the state.

Patton joined Central and South West Inc. in 1995 as director of state government affairs for the CSW System.

Prior to joining CSW, Patton spent nearly 11 years in the energy and telecommunications business with Houston Industries/Houston Lighting & Power. While there, he worked in regulatory affairs and assisted in the litigation and management of regulatory proceedings. He was a policy specialist in government affairs and a lobbyist in Texas and Washington, D.C.

During this time, Patton also served as a company liaison with the United States Energy Association and traveled internationally to discuss government affairs and public relations with Eastern European utilities.

Patton has been active in state energy policy matters. He was appointed by former Texas Gov.

George Bush to serve on the Texas Energy Coordination Council and the Interstate Oil and Gas Compact Commission. Gov. Rick Perry appointed Patton to the Texas Energy Planning Council, which was established to advise the governor on a balanced plan for providing the energy needed to fuel the state's future economic growth.

Patton received a bachelor's degree (*cum laude*) from Bowdoin College in Brunswick, Maine, and a master's degree from the LBJ School of Public Policy at the University of Texas in Austin. He completed, with honors, special undergraduate programs relating to urban planning and government at Boston University, Harvard and American University.

He has served as chairman of the board for the Association of Electric Companies of Texas (AECT) and Texas Taxpayers and Research Association (TTARA), a board member for the Corpus Christi Regional Economic Development Corporation, Del Mar College Foundation, Christus Spohn Health System and the Coastal Bend United Way. He has also served on the boards of Easter Seals of Central and Southeast Ohio and the Sam Keeton Council of the Boy Scouts of America.

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Neal Pierce brings more than 30 years of oil and gas industry experience to the Step toe & Johnson Energy Team. For 18 years, he served as general counsel for one of the largest exploration and production companies in the Appalachian basin. He focuses on energy law, Utica and Marcellus shale gas law, as well as conventional oil and gas law, working in the firm's Columbus, Ohio, office. His experience includes legal due diligence in reviewing land records and in managing administrative land teams, oil and gas acquisitions and divestitures, mineral leases, joint operating agreements and contracts and administrative regulatory practice related to mineral development, including rulemaking and legislative negotiation and drafting in several Appalachian Basin states and the Province of New Brunswick.

Mr. Pierce is a Past President of the Energy & Mineral Law Foundation and a Past President of the Virginia Oil and Gas Association. He is a recipient of the David M. Young Award and the John L. McClaugherty Award for service to the energy bar and industry, given by the Energy & Mineral Law Foundation.

Mr. Pierce received his J.D. from Georgetown University and his B.A. from Ohio State University. He is admitted to practice in Ohio and West Virginia.

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Gwen R. Pinson, Of Counsel in the Lexington office, began her legal career with Stoll Keenon Ogden PLLC in 2000. A member of the firm's Business Litigation Practice Group, as well as the Mineral and Environmental Law Group, she has represented clients in complex litigation matters involving contract, intellectual property, business tort and employment claims, and mineral property disputes. Drawing upon the experience she gained in administrative law and regulatory

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Ms. Pinson is a member of the 2011 Class of Leadership Kentucky. She serves on the Board of Directors for the Bluegrass Chapter of the American Red Cross and is the Membership Committee Chair and Law School Liaison for the Women Lawyer's Association of the Fayette County Bar Association.

Ms. Pinson graduated first in her class from the University of Kentucky College of Law where she was a member of the *Kentucky Law Journal* and the National Moot Court Team. She also earned a B.B.A. in Accounting from Morehead State University.

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Marco Rajkovich is a member of the Lexington, Kentucky, law firm of Rajkovich, Williams, Kilpatrick & True, PLLC and concentrates his practice in the areas of mine safety and health, mineral and energy and administrative law. He is a Licensed Professional Engineer – Mining, a Licensed Professional Land Surveyor and Certified Underground Mine Foreman in Kentucky. Prior to his law career, he was with U.S. Steel Mining Company, Inc., serving in various positions in engineering as well as production.

Marco is a 1977 graduate of the University of Kentucky College of Engineering where he earned a Bachelor of Science degree in Civil Engineering with the Mining Option and was a member of Chi Epsilon Civil Engineering Honorary. He is a 1987 graduate of the University of Kentucky College of Law where he was a member of the *Journal of Mineral Law & Policy*.

Marco is an author and frequent speaker at various mining industry conventions, meetings and seminars and a guest lecturer at the University of Kentucky College of Engineering, College of Law and the Chase College of Law of Northern Kentucky University. He is a contributor to *The Coal Mining Reference Book* (1997) and co-author of *The Kentucky Environmental Law Handbook, Government Institutes* (1991, 1993). Marco is authorized by the Kentucky Board of Licensure of Professional Engineers and Land Surveyors as an instructor on ethics and minimum technical standards and has given national presentations on ethics for the National Society of Professional Engineers.

Throughout his career, Marco has been involved in representation of mining and land-holding companies in several mine explosions, disasters, major accident litigation and mineral law issues in both federal and Kentucky state courts, and administrative tribunals, some of which have gained national prominence. He has argued cases in front of the Federal Mine Safety and Health Review Commission and the Court of Appeals of Kentucky.

Marco has served as an officer and director of the Kentucky Engineering Foundation, a member of the Executive Committee and Trustee of the Energy & Mineral Law Foundation, a director of the Kentucky Coal Association and member of the KCA Health and Safety Committee, Co-Chair of the Justice Committee of the Kentucky Appalachian Advisory Council, Chair of the Governance Committee and member of the Financial Council for the Catholic Diocese of

Lexington, a lifetime appointee as Defender of the Bond for the Tribunal of the Catholic Diocese of Lexington, Kentucky, Mission Network Director of Regnum Christi, Emeritus Member of Legatus, Knight of the Equestrian Order of the Holy Sepulcher of Jerusalem, director of Thy Kingdom Come Network, the 2008 Achievement in Mining Award for the Kentucky Society of Professional Engineers, six-time recipient of the KSPE President's Award, Chair of the Professional Engineers in Mining Practice Group of KSPE, named in Best Lawyers in America, member of the Kentucky Geological Survey Advisory Board, member of the Jessamine County Joint Planning Commission, the NRCC Business Advisory Council 2005 Honorary Chairman for Kentucky, the NRCC 2005 Business Man of the Year, NRCC 2006 Congressional Medal of Distinction, Kentucky Bar Association Lifetime Fellow, Kentucky Colonel, Kentucky Coal Baron, Kentucky Superlawyer, and a member of several national, state and local mining industry organizations.

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Mr. Reeves manages the Midwest Regional office for ECSI and coordinates all projects in this region while serving as Project Manager. His previous experience includes various positions with Peabody Coal Company over a twenty-five year period from Section Foreman to Senior Mine Engineer. He most recently served as Facility Manager for Carbontronic Fuels Management, LLC where he oversaw the operations of a Section 29 Synthetic Fuel Plant. Mr. Reeves' over thirty years experience has afforded him opportunities to work with many regulatory agencies as well a thorough understanding of applicable regulations and statutes. He is a registered professional engineer in six states and is a Certified/Qualified Person under NI 43-101 Reporting. He also holds certification as an underground and surface miner, foreman, inspector, instructor, and mine emergency technician.

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David G. Ries is a partner in the Pittsburgh, Pennsylvania, office of Thorp Reed & Armstrong, LLP, where he practices in the areas of environmental, commercial and technology litigation. He chairs his firm's E-Discovery and Records Management Group. 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 35 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, court and administrative challenges to regulatory programs and defense of penalty actions. His technology practice has included a variety of litigation matters, including major systems implementations, and advising clients on a number of technology law issues such as hardware and software agreements, domain name disputes, information security, privacy regulations, records management and electronic contracting. He has regularly represented energy companies.

Dave has frequently spoken and written on environmental, technology, and ethics issues 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.

Some of his recent ethics presentations for EMLF include an annual *Ethics Update, Attorneys and Clients in Conflict, E-Discovery Ethics: Staying Out of the Briar Patch*, and *Multijurisdictional Practice: Lawyering Here, There and Everywhere*.

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Albert F. Sebok, Jackson Kelly PLLC, is a member of the firm's Workplace Accident Litigation Practice Group. He primarily represents coal companies in civil litigation in both state and federal court. He also consults with employers on personnel issues, union avoidance issues, and wage and hour matters.

Mr. Sebok has co-authored three law review articles in mining-related areas entitled "Legal Issues Surrounding Pre-Employment Physical Examinations in the Coal Industry," "Professional Liability of Non-Legal Consultants to the Minerals Industry," and "Defending Against Punitive Damages From the Answer Through the End of Trial."

Mr. Sebok is admitted to practice in West Virginia. He graduated *Order of the Coif* from Washington and Lee University School of Law in 1985. He was Note and Comment Editor for the *Law Review* and published an article while a staff member on union representation elections. He received his undergraduate degree in History/Religious studies from Albion College in Albion, Michigan.

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Donald K. Shandy is a founding director of Ryan Whaley Coldiron Shandy PLLC. Prior to his tenure at Ryan Whaley Coldiron Shandy PLLC, he was a managing director at one of Oklahoma's largest law firms. Shandy's legal practice is focused in the environmental and energy areas. During a sabbatical from the firm, he served as the Deputy General Counsel for Tronox LLC (formerly Kerr-McGee Chemical Company). While at Tronox, he was responsible for the company's litigation and environmental matters.

Mr. Shandy has extensive background in the environmental and energy practice. He has worked on projects in 41 states, including numerous EPA Regional Offices and EPA Headquarters in Washington, D.C. He currently represents oil & natural gas companies and oil & natural gas trade organizations regarding air quality aggregation matters in several states, as well as at the federal appellate level.

In 2001, Mr. Shandy was nominated by the Western Governors' Association to become Assistant Administrator for Air and Radiation at the USEPA in Washington D.C. He ultimately chose to not pursue this opportunity due to family considerations.

Mr. Shandy frequently lectures throughout the country regarding energy and environmental topics including air, water quality and litigation.

Mr. Shandy is a member of Phi Beta Kappa, the American Bar Association, the Texas Bar Association, the Oklahoma Bar Association and the Oklahoma County Bar Association. He is a Fellow in the American College of Environmental Lawyers. Mr. Shandy earned his J.D. from the University of Oklahoma College of Law and his B.A. from the University of Oklahoma.

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Brooks Smith helps to lead the environmental team at Hunton & Williams LLP. He represents coal companies and other clients in compliance strategies, enforcement defense, regulatory proceedings and litigation arising under the Clean Water Act and other environmental laws. Brooks has participated in a number of high profile proceedings involving water quality standards, effluent trading, TMDLs, use attainability analyses, 401 certifications, 402 NPDES permits and 404 fill permits. He is an active participant in the national and state coal associations, and serves as common counsel to an industry advocacy coalition known as the Virginia Mining Issues Group.

Brooks has been recognized as a leading environmental lawyer by both *Chambers USA* and *Best Lawyers*. He received his J.D. from Vermont Law School, *cum laude*, and his B.A. from the University of Richmond.

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**Daniel L. Stickler**  
**Jackson Kelly PLLC, Charleston, WV**

Daniel L. Stickler is a Member of the Firm and the leader of the Coal Industry Group. He earned his undergraduate degree in 1967 and his law degree in 1970 from West Virginia University. In 1988, Mr. Stickler joined Jackson Kelly PLLC in the Charleston, West Virginia office where he was Administrative Manager of the Firm's Department that included mine health and safety, environmental, labor, and employment law. In addition, he represented the Firm's mining industry clients in commercial arbitration and in both state and federal court matters involving toxic torts, personal injury (deliberate intent), contractual disputes, class actions, employment disputes, and environmental disputes.

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

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

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**Barkley J. Sturgill, Jr.**  
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B.J. Sturgill is Assistant General Counsel at Arch Coal, Inc. in St. Louis focusing his practice primarily in the areas of mineral property transactions, mergers and acquisitions and environmental compliance for Arch's operating subsidiaries in the eastern and western United States coal fields. He has practiced as in-house counsel for Massey Energy Company and at The Brink's Company where he served as the chief legal advisor for Brink's remaining coal subsidiaries. B.J.'s career has focused on advising clients in natural resource development. He began his career as an associate with Robinson & McElwee in Lexington where he was a member of the Energy and Environment Department. In 1995, he returned to his native Prestonsburg, Kentucky and became a charter shareholder in the law firm of Fitzpatrick, Osborne & Sturgill, PSC where he continued to handle transactions, litigation and regulatory issues for coal and oil and gas companies. He also spent time as a prosecutor working for the Floyd Commonwealth's Attorney where he tried numerous felony cases in Floyd Circuit Court.

B.J. is a member of the Board of Trustees of the Energy & Mineral Law Foundation. He has presented numerous times at the Foundation's annual Kentucky Mineral Law Conference and co-authored an article for the *Journal of Natural Resources and Environmental Law* related to the regulation of acid mine drainage.

B.J. is a 1987 graduate of Washington & Lee University in Lexington, Virginia. He earned his law degree from Northern Kentucky University, Chase College of Law in 1991 where he was a member of the *Law Review* and the student bar association.

B.J. has been admitted to practice before the United States Court of Appeals for the Sixth Circuit and the United States District Courts for the Eastern District of Kentucky. He is a member of the Kentucky Bar Association and the Missouri Bar.

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**Donald C. Supcoe**  
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Since 2000, Donald C. Supcoe has served as the Senior Vice President, Corporate Secretary and General Counsel of Energy Corporation of America and is responsible for ECA's operations east of the Mississippi River. Mr. Supcoe was the Senior Vice President of Mountaineer Gas Company from 1998 until its sale in August of 2000. Prior to joining Mountaineer in 1998, he was the Vice President, General Counsel and Corporate Secretary of ECA's predecessor, where he held various positions since 1981. Mr. Supcoe also is a member of the Board of Directors of ECA.

Mr. Supcoe is active in the Independent Oil and Gas Association of West Virginia and is the immediate Past President of that organization. He is also a past Vice President of the Independent Petroleum Association of America. Mr. Supcoe is currently a member of the Board of Directors of Mid-Atlantic Holdings, Inc., and is a Trustee at Large of the Energy & Mineral Law Foundation.

Mr. Supcoe graduated from West Virginia University with a Bachelor of Science Degree in Business Administration, and he subsequently received a Doctor of Jurisprudence Degree from West Virginia University College of Law. Mr. Supcoe also serves on the Board of Directors of the ECA Foundation, Inc.

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**Nathaniel K. Tawney**  
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Nathaniel ("Nate") Tawney is a member in the Workplace Liability Group of Flaherty Sensabaugh Bonasso in Charleston, West Virginia. He specializes in defending deliberate intent cases, a relatively unique statutory cause of action in West Virginia. He represents a variety of employers in these matters, including those in the coal, oil and gas, timber, construction, mining and drilling industries. He also counsels clients on regulatory matters (OSHA and MSHA), preventative measures, and proper investigation and documentation of work-place accidents.

In addition, Mr. Tawney possesses experience in a wide variety of civil litigation matters, including commercial and contract litigation, negligence/personal injury cases, various employment law matters, professional malpractice cases, and appellate work.

Mr. Tawney is a member of the Energy & Mineral Law Foundation, the West Virginia Bar Association, the Kanawha County Bar Association, the Defense Trial Counsel of West Virginia and the Defense Research Institute. He is a graduate of *Leadership West Virginia*, Class of 2007.



Mr. Tawney received his J.D. from the West Virginia University College of Law in 2001, where he served on *Law Review*, was a member of the Order of the Barristers and was winner of the West Virginia University College of Law Invitational Trial Competition in 2001. He earned his B.A., *summa cum laude*, in English from the Honors Tutorial College at Ohio University in 1998.

Mr. Tawney is admitted to the United States District Courts for the Northern and Southern Districts of West Virginia and to the West Virginia Supreme Court of Appeals.

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**Allyn G. Turner**  
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Allyn G. Turner is a member of Spilman Thomas & Battle, PLLC in Charleston, West Virginia. Her primary area of practice is environmental law from both the legal and regulatory perspectives.

Ms. Turner's past work with regulatory agencies has contributed to her broad knowledge of environmental issues. As Director of the West Virginia Department of Environmental Protection's Division of Water and Waste Management, she managed the NPDES permitting, the TMDL/impaired waters program, the Clean Water Act State Revolving Fund, 401 water quality certification, groundwater, and non-point source water programs, solid and hazardous waste programs, and numerous other regulatory and non-regulatory water and waste programs. She was one of two state representatives with the United States Environmental Protection Agency's Office of Water in Washington, D.C. in the development of national water program goals and targets for EPA's national strategic plan. Her work with the Division of Water and Waste Management also resulted in extensive involvement in water quality and quantity issues faced by the coal industry. She also served as the Managing Attorney for the DEP's Office of Legal Services, handling numerous administrative appeals, civil actions, and other legal proceedings.

She has presented at national meetings of Association of State and Interstate Water Pollution Control Administrators (ASIWPCA), Association of State Drinking Water Administrators (ASDWA), and Ground Water Protection Council (2003) and has been a frequent speaker in West Virginia on environmental issues. During legislative interim and session meetings, Ms. Turner is the DEP representative for water issues.

Ms. Turner received her J.D. in 1990 from the Wake Forest University School of Law and her B.A. in Environmental Sciences from the University of Virginia. She is a Member of the Board of Trustees of the Energy & Mineral Law Foundation.

Ms. Turner is admitted to practice in United States Court of Appeals for the Fourth Circuit, United States District Courts for the Northern and Southern Districts of West Virginia, and the West Virginia Supreme Court of Appeals.

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Sean Urvan is a Senior Attorney with Anadarko Petroleum Corporation. His primary areas of practice are onshore and offshore environmental, health and safety matters. Prior to joining Anadarko, Sean was an attorney at Caterpillar Inc. Sean also worked in private practice in Cleveland, Ohio. He recently co-authored an article entitled *Source Aggregation Determinations for Oil & Gas Facilities Under the Clean Air Act* for the Rocky Mountain Mineral Law Foundation (2010).

He received his J.D. from the University of Akron School of Law, and his LL.M. in energy and environmental law from the University of Houston Law Center.

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**Thomas S. West**  
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Thomas S. West, founder of The West Firm, PLLC, is recognized for his accomplishments in the oil and gas and environmental fields by the *Best Lawyers in America*®, *Super Lawyers*, *Corporate Counsel Top Lawyers*, and *Strathmore's Who's Who*. He was featured in the 2009 Edition of *Upstate Super Lawyers* magazine and was selected as the 2010 Professional of the Year by *Strathmore's Who's Who* in the field of environmental law. At The West Firm, Tom represents clients in the oil and gas sector on a broad variety of issues involving legislation, compulsory integration, administrative adjudication, civil litigation, investigations by the New York Attorney General's office, and criminal defense. In 2010, he and his firm launched a title practice in New York and Pennsylvania and they are actively writing title opinions in both states for the oil and gas industry.

In his more than 30 years of practice, Tom has represented the oil and gas industry on many issues. He was one of the principal authors of the spacing and compulsory integration legislation that overhauled New York's oil and gas program in 2005. He was also at the forefront of the 2008 amendments to New York law to accommodate the development of the shale resources in New York State. That law authorized spacing units up to 640 acres in size and multiple wells on a common well pad. Since the passage of that law, he has been actively involved with the environmental review process being conducted by the New York State Department of Environmental Conservation ("DEC") to prepare a Supplemental Generic Environmental Impact Statement ("SGEIS") relative to high-volume hydraulic fracturing. He has been working closely with industry on their comments to the DEC relative to the SGEIS and recently represented an industry working group in responding to technical comments from the DEC. He is also currently counseling several clients concerning the steps that must be taken to defend against the highly anticipated litigation that will be brought challenging the SGEIS and is working with multiple operators in developing the strategy for permitting that will comply with the high environmental standards being set by the SGEIS. Those projects include representation of clients relative to road use agreements and water supply issues, including permitting before the Susquehanna River Basin Commission and the Delaware River Basin Commission.

Tom also regularly represents clients relative to state legislation and currently represents one major operator before the New York State Legislature and the Governor's office relative to oil and gas issues.

Tom is frequently called upon to assist industry with mineral lease interpretation issues, which sometimes involves representing operators in associated litigation and dispute resolution procedures. In that capacity, he has represented operators in cases involving lease extensions, site access for seismic testing, site access for pipeline routing, trespass claims, and top lease disputes, and is currently representing several operators in litigation concerning force majeure lease extensions. Through the title practice, Tom and his firm offer integrated land services to the operator, providing operators title information for permitting and the proper and timely notification of uncontrolled mineral interest owners of their rights under the compulsory integration program. The firm also prepares and sends compulsory integration notices and represents operator interest at the compulsory integration hearing. Tom has represented a number of operators in the disputes referred to adjudication due to issues raised by uncontrolled owners at the compulsory integration hearing.

Tom has also represented clients on a variety of pipeline certification and construction issues. He was active in the legislation streamlining the pipeline certification process before the New York State Public Service Commission and regularly counsels clients concerning midstream strategies and transactions associated with midstream development. Also, he has represented major interstate pipelines on environmental issues and is currently working with one large interstate pipeline company to help streamline the review process before the United States Army Corps of Engineers.

Outside of the oil and gas area, Tom has an extensive environmental practice, representing a broad variety of clients on environmental issues involving counseling, civil litigation, administrative practice, and criminal defense. He represented industry groups in litigation successfully challenging overzealous regulations relative to the State Superfund and pesticide programs in New York State. He also has extensive experience assisting clients in obtaining permits in all of the regulatory programs, including air quality, water quality, water quantity, solid waste, hazardous waste and low-level radioactive waste. He is currently involved in one permitting matter where he is defending the right of a landfill operator in New York State to accept drill cutting waste despite allegations of NORM contamination.

Mr. West, a 1974 graduate of St. Lawrence University and a 1977 graduate of Albany Law School of Union University, has been admitted to the U.S. Supreme Court, U.S. Court of Appeals for the Second Circuit, and the U.S. District Court for the Northern, Southern, Eastern and Western Districts of New York. He is licensed to practice in New York and Pennsylvania. He is a member of the Executive Committee of the Environmental Law Section and Co-Chair of the Mining and Oil & Gas Exploration Committee of the New York State Bar Association.

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K.T. Williams is a Member in the Henderson office of Stoll Keenon Ogden PLLC. In his practice, he often deals with issues affecting mineral owners and operators. Recent issues have included subsidence, "use-it-or-lose-it" mineral lapse statutes, surface rights of mineral owners, ownership of coal bed methane, and limits on mineral production through zoning. Prior to joining the firm, Mr. Williams was in private practice in Evansville, Indiana, before which he served as Staff Attorney for Honorable Judge David C. Buckingham of the Kentucky Court of Appeals.

Mr. Williams graduated from the University of Kentucky College of Law in 2001. Prior to that, he graduated from the University of Kentucky with a Bachelor of Science in Accounting and a

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Dan Wolff is a counsel with Crowell & Moring in the firm's Environment & Natural Resources Group in Washington, D.C. His practice extends broadly to appellate, trial, and administrative counseling on a number of areas of environmental and natural resources law, including mine safety and health, public lands, and Superfund, as well as general litigation.

As it regards mine safety and health, Dan's practice covers all aspects of regulatory compliance and enforcement defense related to the Mine Act. Dan regularly represents mine operators in enforcement matters before the Federal Mine Safety and Health Review Commission, in special investigations of individual managers facing potential civil or criminal liability, and in petitions to the Mine Safety and Health Administration (MSHA) seeking modifications to the application of safety standards. Recently, Dan was part of the Crowell & Moring litigation team that represented the Freedom Mine in federal district court in Kentucky in the first-ever injunction action brought by MSHA to shut down a mine under Section 108(a)(2) of the Mine Act. He has also argued in multiple federal courts of appeals on behalf of operators and industry in enforcement actions and in challenges to MSHA rulemakings.

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David L. Yaussy is a member of Robinson & McElwee PLLC in Charleston, West Virginia. Mr. Yaussy practices in the area of energy and environmental law, principally NPDES, hazardous waste, and air permitting; oil and gas permitting; and water quality standards development. He has recently written on such topics as brownfield redevelopment, spill reporting and groundwater protection programs, and has lectured on a variety of environmental issues.

Mr. Yaussy received his J.D. Degree from the Ohio State University College of Law in 1984 and his Bachelor of Arts degree in Political Science and History from Otterbein College in Westerville, Ohio in 1981. He is admitted to practice before the Supreme Court of Ohio, the Supreme Court of Appeals of West Virginia, and the United States Court of Appeals for the Fourth Circuit.

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