The full conference registration includes all program materials in electronic format online, continental breakfasts, Wednesday lunch, and hosted reception on Wednesday. Registrants choosing to have program materials in looseleaf binder at the time of the program for an additional $65 should mark that choice on the registration form.

Registration fees

<table>
<thead>
<tr>
<th>Non-member Registration Fee</th>
<th>Conference through Oct. 1</th>
<th>$990</th>
<th>$950</th>
</tr>
</thead>
<tbody>
<tr>
<td>EMLF Member</td>
<td>$425</td>
<td>$475</td>
<td></td>
</tr>
<tr>
<td>Government and Young Lawyers 3 years or less</td>
<td>$525</td>
<td>$525</td>
<td></td>
</tr>
<tr>
<td>Law Students and Retirees</td>
<td>$100</td>
<td>$100</td>
<td></td>
</tr>
</tbody>
</table>

Printed Program Materials (Conference Registrants Only): $65

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

Cancellation policy

Full refunds less a $75 administrative fee will be given for written registration cancellations received before October 15. No registration refunds will be made thereafter, but substitutions can be made by calling the Foundation at 859.231.0271. Persons not entitled to any refund will receive meeting materials. EMLF members who cancel their registrations after October 15 receive materials and a $100 credit toward a future program.

Conference hotel information is on the back page

Conference Hotel

Accommodations for the conference are at the Hilton Lexington/Downtown, 369 West Vine Street, Lexington, KY 40507. The room rate is $177 plus tax, currently at 13.4 percent, for reservations made through September 24 or sell-out. Call 1.859.231.9000 or toll free 1.877.539.1648 and ask for the EMLF Group rate. Check in time is 3 p.m. and check out time is noon. Cancellations must be made by 3 p.m. the day prior to arrival. Failure to cancel in a guaranteed reservation prior to 3 p.m. on the day prior to arrival will result in a no-show charge. Or go to the EMLF website — www.emlf.org — for a link to online registrations.

With a stay at Hilton Lexington/Downtown, you’ll be centrally located in Lexington, steps from Lexington Visitors Center and Lexington Convention Center. This hotel is within close proximity of Victorian Square Mall and Lexington Opera House. Enjoy recreational amenities such as an indoor pool and a fitness center. Additional features include gift shops/newsstands, wedding services, and a television in the lobby.

Three ways to register

- If registering online, go to www.emlf.org
- If registering by fax, call 859.228.0145
- If registering by mail, send forms and payment to EMLF, 340 South Broadway, Suite 101, Lexington, KY 40508

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

Save the Date!

- June 9-11, 2019
- 40th Annual Institute
- Washington, D.C.
Environmental and Energy Polices Under the Trump Administration: Challenges and Opportunities

8:00-9:00 a.m.

Energy and the Trump Administration – implications for the U.S. Energy, Environmental Regulation, and Litigation:

1:00-3:00 p.m.

Lawyers perform tasks that sometimes resemble tasks performed by lawyers. Can a landman act as an attorney or not? When can a landman give legal advice to a landowner? Can a landman perform tasks that are actually governed by OSHA, not MSHA. This session answers the questions, "When does MSHA jurisdiction end?" and "When does OSHA jurisdiction begin?"

6:00-8:00 p.m.

ABA MRPC 5.5? If not, but an attorney has financial interests in the same client, is the lawyer able to represent the client to the detriment of the client's interest? Under what circumstances can an attorney withdraw from a client who has not paid the attorney a sufficient fee? The session will address recent developments in employment law. Topics will include drug testing, worker classification issues, and potential subsidence as well as potential project opportunities such as having access to large tracts of underutilized land, early as severed mineral ownership, possibility of future mineral developments, perceived environmental liabilities, remote locations, and the development of solar power sites on reclaimed mountaintop mine sites in Appalachia has been gaining interest as a new economic development opportunity. Additionally, the Trump Administration has taken a number of actions to foster coal and nuclear power plant retirements and has indicated a desire to support coal-fired generation projects. This session will address the legal issues that arise in the development, construction, and operation of coal-fired generation facilities.

ECSI, LLC

J. Steven Gardner, PE, SME-RM,

Energy and Environmental Regulation, and Litigation:

Counseling on Ethical and Legal Reporting in Reclaimed Mine Closures

Lunch — Energy Market Update

3:00-4:00 p.m.

3:00-4:00 p.m.

David D. Wolf

Energy and Environmental Regulation, and Litigation:

Sale of Water Rights: Issues & Strategies

Lawyers perform tasks that sometimes resemble tasks performed by lawyers. Can a landman act as an attorney or not? When can a landman give legal advice to a landowner? Can a landman perform tasks that are actually governed by OSHA, not MSHA. This session answers the questions, "When does MSHA jurisdiction end?" and "When does OSHA jurisdiction begin?"

6:00-8:00 p.m.

ABA MRPC 5.5? If not, but an attorney has financial interests in the same client, is the lawyer able to represent the client to the detriment of the client's interest? Under what circumstances can an attorney withdraw from a client who has not paid the attorney a sufficient fee? The session will address recent developments in employment law. Topics will include drug testing, worker classification issues, and potential subsidence as well as potential project opportunities such as having access to large tracts of underutilized land, early as severed mineral ownership, possibility of future mineral developments, perceived environmental liabilities, remote locations, and the development of solar power sites on reclaimed mountaintop mine sites in Appalachia has been gaining interest as a new economic development opportunity. Additionally, the Trump Administration has taken a number of actions to foster coal and nuclear power plant retirements and has indicated a desire to support coal-fired generation projects. This session will address the legal issues that arise in the development, construction, and operation of coal-fired generation facilities.

ECSI, LLC

J. Steven Gardner, PE, SME-RM,

Energy and Environmental Regulation, and Litigation:

Sale of Water Rights: Issues & Strategies

Lawyers perform tasks that sometimes resemble tasks performed by lawyers. Can a landman act as an attorney or not? When can a landman give legal advice to a landowner? Can a landman perform tasks that are actually governed by OSHA, not MSHA. This session answers the questions, "When does MSHA jurisdiction end?" and "When does OSHA jurisdiction begin?"

6:00-8:00 p.m.

ABA MRPC 5.5? If not, but an attorney has financial interests in the same client, is the lawyer able to represent the client to the detriment of the client's interest? Under what circumstances can an attorney withdraw from a client who has not paid the attorney a sufficient fee? The session will address recent developments in employment law. Topics will include drug testing, worker classification issues, and potential subsidence as well as potential project opportunities such as having access to large tracts of underutilized land, early as severed mineral ownership, possibility of future mineral developments, perceived environmental liabilities, remote locations, and the development of solar power sites on reclaimed mountaintop mine sites in Appalachia has been gaining interest as a new economic development opportunity. Additionally, the Trump Administration has taken a number of actions to foster coal and nuclear power plant retirements and has indicated a desire to support coal-fired generation projects. This session will address the legal issues that arise in the development, construction, and operation of coal-fired generation facilities.

ECSI, LLC

J. Steven Gardner, PE, SME-RM,

Energy and Environmental Regulation, and Litigation:

Sale of Water Rights: Issues & Strategies

Lawyers perform tasks that sometimes resemble tasks performed by lawyers. Can a landman act as an attorney or not? When can a landman give legal advice to a landowner? Can a landman perform tasks that are actually governed by OSHA, not MSHA. This session answers the questions, "When does MSHA jurisdiction end?" and "When does OSHA jurisdiction begin?"

6:00-8:00 p.m.

ABA MRPC 5.5? If not, but an attorney has financial interests in the same client, is the lawyer able to represent the client to the detriment of the client's interest? Under what circumstances can an attorney withdraw from a client who has not paid the attorney a sufficient fee? The session will address recent developments in employment law. Topics will include drug testing, worker classification issues, and potential subsidence as well as potential project opportunities such as having access to large tracts of underutilized land, early as severed mineral ownership, possibility of future mineral developments, perceived environmental liabilities, remote locations, and the development of solar power sites on reclaimed mountaintop mine sites in Appalachia has been gaining interest as a new economic development opportunity. Additionally, the Trump Administration has taken a number of actions to foster coal and nuclear power plant retirements and has indicated a desire to support coal-fired generation projects. This session will address the legal issues that arise in the development, construction, and operation of coal-fired generation facilities.

ECSI, LLC

J. Steven Gardner, PE, SME-RM,
Environmental and Energy Policy Under the Trump Administration: Challenges and Opportunities

Tuesday, October 16, 2018

9:30-10:20 a.m.
Department of Energy Emergency Powers

James M. Van Nostrand, West Virginia University College of Law, Morgantown, WV

This session focuses on emergency powers under Section 202(c) of the Federal Power Act and the Defense Production Act to enable certain coal and nuclear power projects. We will discuss the history of the Trump Administration's efforts to make policy changes and the legal issues posed by those efforts.

11:00 a.m.-Noon
Coal Law Update

Nedda Holliday True, Williams, Kilpatrick & True, PLLC, Charleston, WV

This topic will cover recent developments in coal litigation that have occurred over the past year. The presentation will include a discussion of the Secretary v. Jones Brothers, Inc. case, recently decided by the U.S. Court of Appeals for the Sixth Circuit, the implications of the appointment of solicitors general in civil, administrative and regulatory litigation impacting Appalachian oil and gas plays in Kentucky, Pennsylvania, Ohio and West Virginia.

2:00-3:00 p.m.
Energy and Environmental Policy Under the Trump Administration: Challenges and Opportunities

Kurt L. Krieger, Frost Brown Todd LLP, Louisville, KY

President Trump's election brought high expectations for dramatic changes in federal regulatory policy affecting the energy industry. The Trump Administration has proposed new regulations and policies related over the preceding eight years and to create a more favorable environment for domestic energy production. But what does it take to bring about such change? How much has the Administration been true to its word? This presentation will examine the statutory, regulatory, and litigation landscape affecting energy and environmental policy and will assess the Administration's success over the last two years.

Environmental Law and Current Federal Court Attorneys: Ethical and Legal Duties in a Brave New World

Mary L. Fidler, Watson, Tarusia & Combs, LLP, Los Angeles, CA

These attorneys have greater security threats today than ever before—and they keep growing! These threats are a particular concern for attorneys because of their ethical duties of competence and confidentiality. This source will explore the latest in security threats, attorney duties to address them, and how to comply with ethical and legal duties.

3:00-4:00 p.m.
Track 2

2:45-3:45 p.m.
Write What You Mean; Mean What You Write: Drafting Meaningful Dispute Resolution Provisions

Mark E. Heath, Snow, Shuford, Wicks & Selph, PLC, Columbia, SC

This session will address recent developments in employment law. Topics will include drug testing, worker classification issues, arbitration agreements, union organizing, and potential subsidence as well as potential project opportunities such as having access to large tracts of underutilized land, early bond release, existing power infrastructure, and growing corporate and utility company sustainability goals.

10:00 a.m.

Samford University School of Law, Sid Richardson Courthouse and School of Law, Birmingham, AL

This session will discuss recent developments in employment law. Topics will include drug testing, worker classification issues, arbitration agreements, union organizing, and potential subsidence as well as potential project opportunities such as having access to large tracts of underutilized land, early bond release, existing power infrastructure, and growing corporate and utility company sustainability goals.

9:30-10:20 a.m.

10:30-11:20 a.m.

12:15-1:45 p.m.

1:45-2:45 p.m.

3:45-4:35 p.m.

10:45-11:30 a.m.

11:45 a.m.-12:15 p.m.

12:00-12:15 p.m.

8:00-9:00 a.m.

9:45-10:00 a.m.

10:45-11:30 a.m.

12:00-2:00 p.m.

11:00 a.m.-Noon

9:00-9:45 a.m.

3:00-4:00 p.m.

3:45-4:35 p.m.

9:00-9:45 a.m.

2:15-3:15 p.m.

2:45-3:45 p.m.

2:45-3:45 p.m.

9:45-10:00 a.m.

2:15-3:15 p.m.

3:45-4:35 p.m.

9:00-9:45 a.m.

2:15-3:15 p.m.

3:45-4:35 p.m.

9:00-9:45 a.m.

2:15-3:15 p.m.

3:45-4:35 p.m.
Energy and Environmental Policy Under the Trump Administration: Challenges and Opportunities

President Trump’s election brought high expectations for dramatic changes in federal regulatory policy affecting the energy industry. In general, the Trump Administration has been successful in reducing policies adopted under the preceding eight years and to create a more favorable environment for domestic energy production. But what does it take to bring about changes in energy policy? In this presentation, the speaker will discuss what has been done, its impact on the Administration’s success, and what it will take to achieve the Administration’s goals.

3:10-4:00 p.m.

Safeguarding Client Data – Attorneys’ Ethical and Legal Duties in a Breach-a-Day World

The session will address recent developments in employment law. Topics will include drug testing, worker classification issues, labor and employment laws, and the effect of his replacing Justice Kennedy on the bench.

2:45-3:00 p.m.

Oil and Gas Law Update

The session discusses the scope and application of contract provisions directed to resolution of disputes when they arise, including mandatory vs. permissive clauses; and the use of alternative dispute resolution provisions in coal contracts. The session will address developments in coal law over the past year.

3:00-3:45 p.m.

Environmental and Energy Policy Under the Trump Administration: Challenges and Opportunities

The session will address major new energy and environmental policy initiatives under the Trump Administration. The Speaker will focus on the Department of Energy Emergency Powers, Department of Energy (DOE) Energy Emergency Powers Under Section 202(e) of the Federal Power Act and the Defense Production Act, to enable certain coal and nuclear power plants that are designated as “essential” to continue operating to address claimed national security and grid resilience concerns under the National Defense Authorization Act for Fiscal Year 2020.

11:25 a.m.-12:15 p.m.

OSHA Jurisdiction Over Inactive and Abandoned Mine Properties

This presentation will address recent developments in coal law and the impact of the passing of the federal 2017 Tax Cuts and Jobs Act lowering the overall corporate income tax rate from 35% to 21%. FERC initiated procedures that changed in policy on pipeline MLP recovery of federal income tax expense, and implemented a process for potentially lowering interest rates on pipeline MLP recovery of federal income tax expense, to the extent based on the historical tax rate. FERC has issued final pronouncements on how it intends to address these impacts on cost-based and regulated service tariffs.

8:00-9:00 a.m.

Write What You Mean; Mean What You Write: Drafting Meaningful Dispute Resolution Provisions

The topic will cover and address issues on coal litigation that have been uncovered over the past year. The presentation will include discussions of the Secretary’s James Breyer, Jr., case, recently decided by the U.S. Court of Appeals for the Sixth Circuit, and the implications of the case for the development of coal law on the Federal Mine Safety and Health Review Commission.

OSHA Jurisdiction Over Inactive and Abandoned Mine Properties

The portion of the presentation that focuses on coal law in the United States is unconstitutional under the Administrative Procedure Act.

9:00-9:45 a.m.

Safeguarding Client Data – Attorneys’ Ethical and Legal Duties in a Breach-a-Day World

This presentation will address the impact of new data breaches and the increasing importance of information security and privacy to the practice of law. The session will emphasize the importance of data protection, data security, and the increasing importance of data privacy and data security in the legal industry.

9:00-9:45 a.m.

Multi-Utah / Multi-State Gas Lease Disputes

With the closing of many mines throughout the region, we now have situations where coal companies own or manage properties that are actually governed by OSHA, not MSHA. This session answers the question, “What do I need to do to comply with OSHA?”

2:45-3:00 p.m.

Oil and Gas Law Update

This presentation will discuss and analyze recent developments in the law of oil and gas mining. The speaker will address the impact of the new data breach on the practice of law, emphasizing the importance of protecting the confidentiality of client data and the ethical and legal duties of attorneys.

8:00-9:00 a.m.

Osage Jurisdiction Over Inactive and Abandoned Mine Properties

This session will address recent developments in coal law. The speaker will discuss the impact of new data breaches and the increasing importance of information security and privacy to the practice of law. The session will emphasize the importance of data protection, data security, and the increasing importance of data privacy and data security in the legal industry.

9:00-9:45 a.m.

Energy and Environmental Policy Under the Trump Administration: Challenges and Opportunities

The presentation will examine the statutory, regulatory, and legal duties affecting energy policy and will assess the Administration’s success in achieving its goals and the opportunities and obstacles facing it in the next two years.

3:00-4:00 p.m.

Lawyers generally must obey the law [ABA MRPC 8.4(b)] — does the law require a lawyer to have a real estate license? What ethics rules govern landmen as landmen? The Speaker will discuss and analyze recent developments in the law of landmen. The session will address the impact of new data breaches and the increasing importance of information security and privacy to the practice of law. The session will emphasize the importance of data protection, data security, and the increasing importance of data privacy and data security in the legal industry.

10:20-10:35 a.m.

Managing Electricity Supply and Costs

Often, companies are not aware of opportunities to source electricity from sources other than the regulated states to manage and monitor electricity costs. This session discusses how electricity markets are structured, the role of competition, and the impact on electricity costs.

12:15-1:25 p.m.

Coal Law Update

This presentation will discuss and analyze recent developments in the law of landmen. The speaker will discuss the impact of new data breaches and the increasing importance of information security and privacy to the practice of law. The session will emphasize the importance of data protection, data security, and the increasing importance of data privacy and data security in the legal industry.

12:15-12:30 p.m.

As a result of the passing of the federal 2017 Tax Cuts and Jobs Act lowering the overall corporate income tax rate from 35% to 21%, FERC initiated procedures that changed in policy on pipeline MLP recovery of federal income tax expense, and implemented a process for potentially lowering interest rates on pipeline MLP recovery of federal income tax expense, to the extent based on the historical tax rate. FERC has issued final pronouncements on how it intends to address these impacts on cost-based and regulated service tariffs.

8:00-9:00 a.m.

Lawyers generally must obey the law [ABA MRPC 8.4(b)] — does the law require a lawyer to have a real estate license? What ethics rules govern landmen as landmen? The Speaker will discuss and analyze recent developments in the law of landmen. The session will address the impact of new data breaches and the increasing importance of information security and privacy to the practice of law. The session will emphasize the importance of data protection, data security, and the increasing importance of data privacy and data security in the legal industry.

10:20-10:35 a.m.

Managing Electricity Supply and Costs

Often, companies are not aware of opportunities to source electricity from sources other than the regulated states to manage and monitor electricity costs. This session discusses how electricity markets are structured, the role of competition, and the impact on electricity costs.

12:15-1:25 p.m.

Coal Law Update

This presentation will discuss and analyze recent developments in the law of landmen. The speaker will discuss the impact of new data breaches and the increasing importance of information security and privacy to the practice of law. The session will emphasize the importance of data protection, data security, and the increasing importance of data privacy and data security in the legal industry.

12:15-12:30 p.m.

As a result of the passing of the federal 2017 Tax Cuts and Jobs Act lowering the overall corporate income tax rate from 35% to 21%, FERC initiated procedures that changed in policy on pipeline MLP recovery of federal income tax expense, and implemented a process for potentially lowering interest rates on pipeline MLP recovery of federal income tax expense, to the extent based on the historical tax rate. FERC has issued final pronouncements on how it intends to address these impacts on cost-based and regulated service tariffs.

8:00-9:00 a.m.

Lawyers generally must obey the law [ABA MRPC 8.4(b)] — does the law require a lawyer to have a real estate license? What ethics rules govern landmen as landmen? The Speaker will discuss and analyze recent developments in the law of landmen. The session will address the impact of new data breaches and the increasing importance of information security and privacy to the practice of law. The session will emphasize the importance of data protection, data security, and the increasing importance of data privacy and data security in the legal industry.

10:20-10:35 a.m.

Managing Electricity Supply and Costs

Often, companies are not aware of opportunities to source electricity from sources other than the regulated states to manage and monitor electricity costs. This session discusses how electricity markets are structured, the role of competition, and the impact on electricity costs.

12:15-1:25 p.m.

Coal Law Update

This presentation will discuss and analyze recent developments in the law of landmen. The speaker will discuss the impact of new data breaches and the increasing importance of information security and privacy to the practice of law. The session will emphasize the importance of data protection, data security, and the increasing importance of data privacy and data security in the legal industry.

12:15-12:30 p.m.
The full conference registration includes all program materials in electronic format online, continental breakfasts, Wednesday lunch, and hosted reception on Wednesday. Registrants choosing to have program materials in looseleaf binder at the time of the program for an additional $65 should mark that choice on the registration form.

<table>
<thead>
<tr>
<th>Registration fees</th>
<th>Conference through Oct. 1</th>
<th>After Oct. 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-member Registration Fee</td>
<td>$590</td>
<td>$650</td>
</tr>
<tr>
<td>EMLF Member</td>
<td>$425</td>
<td>$475</td>
</tr>
<tr>
<td>Government and Young Lawyers (3 years or less)</td>
<td>$325</td>
<td>$375</td>
</tr>
<tr>
<td>Law Students and Retirees</td>
<td>$100</td>
<td>$100</td>
</tr>
<tr>
<td>Printed Program Materials (Conference Registrants Only)</td>
<td>$65</td>
<td>$65</td>
</tr>
</tbody>
</table>

First Name | M.I. | Last Name | Badge Name
---|---|---|---
Organization/Firm |  |  |  
Address |  |  |  
City, State, Zip |  |  |  
Daytime Phone |  |  |  
Email Address |  |  |  
EMLF accepts MasterCard, VISA or American Express.

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

Cancellation policy
Full refund less a $75 administrative fee will be given for written registration cancellations received by October 10. No registration refunds will be made thereafter, but substitutions can be made by calling the Foundation at 859.231.0271. Persons not entitled to any refund will receive meeting materials. EMLF members who cancel their registrations after October 10 receive materials and a $100 credit toward a future program.

Conference hotel information is on the back page

Energy & Mineral Law Foundation
340 South Broadway, Suite 101, Lexington, KY 40508

Kentucky Mineral Law Conference
October 17-18, 2018
Hilton Lexington/Downtown
Lexington, KY

Save the Date!
June 9-11, 2019
40th Annual Institute
Washington, DC
Yes, I want to attend the Kentucky Mineral Law Conference

Conference Hotel
Accommodations for the conference are at the Hilton Lexington/Downtown, 369 West Vine Street, Lexington, KY 40507. The room rate is $177 plus tax, currently at 13.4 percent, for reservations made through September 24 or sell-out. Call 1.859.231.9000 or toll free 1.877.539.1648 and ask for the EMLF Group rate. Check-in time is 3 p.m. and check-out time is noon. Cancellations must be made by 3 p.m. the day prior to arrival. Failure to cancel is considered a guaranteed reservation prior to 3 p.m. on the day prior to arrival will result in a no-show charge. Or go to the EMLF website — www.emlf.org — for a link to online registration.

With a stay at Hilton Lexington/Downtown, you’ll be centrally located in Lexington, steps from Lexington Visitors Center and Lexington Convention Center. This hotel is within close proximity of Victorian Square Mall and Lexington Opera House. Enjoy recreational amenities such as an indoor pool and a fitness center. Additional features include gift shops/newsstands, wedding services, and a television in the lobby.

Grab a bite at one of the hotel’s three restaurants, or enjoy in-room service of room service (limited hours). Quench your thirst with your favorite drink at a bar/lounge. Featured business amenities include a 24-hour business center, a roundtrip airport shuttle is complimentary at scheduled times.