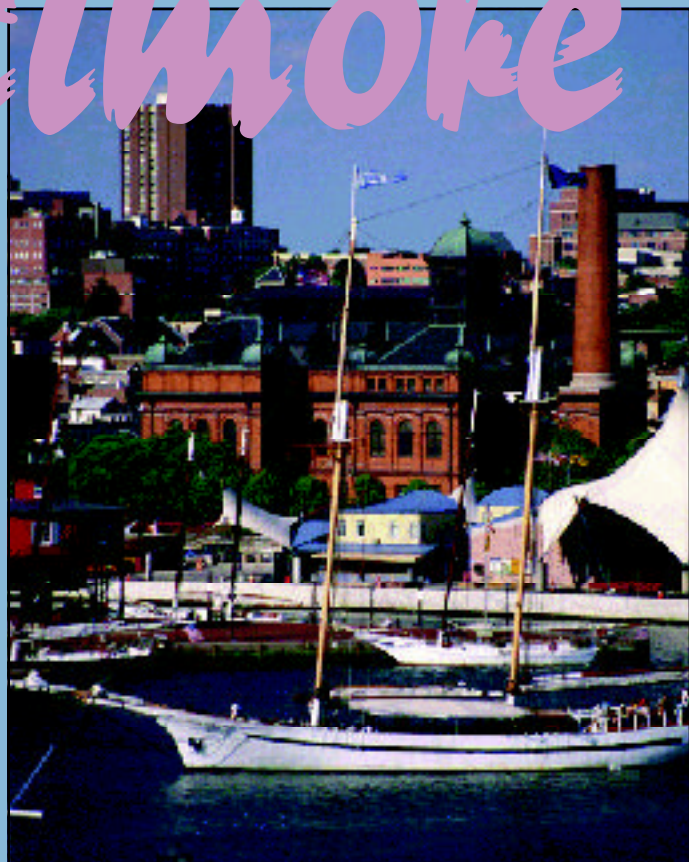




Baltimore



23rd
Annual
Institute

May 19-21, 2002
Renaissance HarborPlace Hotel
Baltimore, MD
Energy & Mineral Law Foundation

23rd Annual Institute Planning Committee

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Program schedule

Sunday, May 19

4:00 p.m.

Registration Opens

4:00 p.m.

Executive Committee Meeting

Monday, May 20

7:00-9:15

Board of Trustees Breakfast and Business Meeting

9:15

Welcome Remarks and Introductions

- Robert G. McLusky, President, *Jackson & Kelly*, Charleston, WV
- John K. Keller, Program Chairman, *Vorys Sater Seymour & Pease, LLP*, Columbus, OH

9:30-10:00

Keynote Address — Energy Security

Speaker to be announced

10:00

Break

10:15 –10:50

Powering the Electric Industry: Coal, Natural Gas and Nuclear Energy Supply, Access and Delivery

- Elizabeth L. Cocanougher, *LG&E Energy Company*, Louisville, KY

10:50-11:25

Multidisciplinary Practice (MDP) – What's Really Happening?

- Charles E. Buffon, *Covington & Burling*, Washington, DC

11:25-Noon

Sovereign Immunity of State Agencies from Lawsuits in Federal Courts after *Bragg v. Robertson*

- Michael R. Shebelskie, *Hunton & Williams*, Richmond, VA

Noon:

Membership Luncheon

Session Moderator: Christopher B. Power, *Robinson & McElwee LLP*, Charleston, WV

2:00-2:40

Mergers and Other Types of Business Combinations in the Energy Industry

- Jay G. Martin, *Winstead Sechrest & Minick*, Houston, TX

2:40-3:20

Natural Resource Damage Assessments

- George L. Seay, *Wyatt, Tarrant & Combs, LLP*, Frankfort, KY
- George A. Rusk, *Ecology & Environment (E&E)*, Lancaster, NY
- David L. Trimm, C.F.P., Senior Ecologist, *E&E*, Pensacola, FL

3:20

Break

Session Moderator: Thomas E. Meng, *Stites & Harbison*, Lexington, KY

3:35-4:05 **Coalbed Methane – State and Federal Regulatory Updates**

- Elizabeth A. McClanahan, *Office of Attorney General*, Commonwealth of Virginia, Richmond, VA
- Jill Morgan Harrison, *Penn Stuart & Eskridge*, Abingdon, VA

4:05-4:45 **Employment Law: Compulsory Arbitration of Employment Claims
After *EEOC v. Waffle House***

- David J. Laurent, *Babst Calland Clements & Zomnir, P.C.*, Pittsburgh, PA

6:30 p.m. **Welcome Reception and Baltimore Dine-Around**

Tuesday Morning, May 21

Concurrent Sessions: Session A – Coal

Session Moderator: Blair M. Gardner, *Jackson & Kelly*, Charleston, WV

8:00 -8:30 **Coal Law Update**

- Candace W. Clay, *Dinsmore & Shohl, LLP*, Lexington, KY

8:30-9:00 **Surface Mining and the Clean Water Act: the 402/404 Conflict and the Regulation
of Valley Fills**

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

9:00-9:30 **The Applicant Violator System in 2002: An Update on Permit
Blocking Under SMCRA**

- Thomas C. Means, *Crowell & Moring LLP*, Washington, DC

9:30-10:00 **Update on Section 29 Tax Credits and Synthetic Fuel Issues**

- Keith Martin, *Chadbourne & Parke LLP*, Washington, DC

10:00 **Break**

Session Moderator: Timothy W. Gresham, *Penn, Stuart & Eskridge*, Abingdon, VA
State Bonding Programs and Surety Law Issues for the Coal Industry

10:15-10:45 **Liquidation and Rehabilitation Under State Insurance Laws:
A Primer for Mineral Lawyers**

- Maureen D. Carman, *Wyatt, Tarrant & Combs, LLP*, Frankfort, KY

Upcoming EMLF Events

Kentucky Mineral Law Conference
October 9-10, 2002
Marriott Griffin Gate Resort
Lexington, Kentucky

Electric Power Industry
Special Institute
November 18-19, 2002
The Mills House Hotel (Historic District)
Charleston, South Carolina

10:45-11:15 **Growing Pains – Recent Developments in State Bonding Programs**
• Henry McC. Ingram, *Dinsmore & Shohl, LLP*, Pittsburgh, PA

11:15-Noon **Solving the National Surety Bonding Crisis: A Candid Panel Discussion of Products, Permits and Principals**

- Maureen D. Carman, Moderator
- Edward G. Gallagher, General Counsel, *The Surety Association of America*, Washington, DC
- Harold P. Quinn, General Counsel, *National Mining Association*, Washington, DC
- William T. Gorton, III, *Stites & Harbison*, Lexington, KY

Noon: **Lunch on your own**

Session B – Concurrent Tract – Oil & Gas

Moderator: Kevin Abbott, *Reed Smith LLP*, Pittsburgh, PA

8:00 -8:40 **The AAPL Master Land Services Contract**

- Arnold L. Schulberg, Attorney and Landman, Hurricane, WV

8:40-9:20 **Oil & Gas Operations: Areas of Mutual Interest**

- George M. Patterson, *Bowles Rice McDavid Graff & Love PLLC*, Charleston, WV

9:20-10:00 **Oil & Gas Update**

- Richard L. Gottlieb, *Lewis Glasser Casey & Rollins*, Charleston, WV

10:00 Break

Moderator: Kimberly Luff Wakim, *Thorp, Reed & Armstrong*, Pittsburgh, PA

10:15-11:15 **Oil & Gas Operations: Allocation of Post-Production Costs and Royalty Administration in Volatile Gas Markets**

- David E. Pierce, *Washburn University Law School*, Topeka, KS
- Robert B. Allen, *Akin Gump Strauss Hauer & Feld*, Houston, TX

11:15-Noon **Oil & Gas Operations: Surface Owner Consent Issues**

- Russell L. Schetroma, *Culbertson Weiss Schetroma & Shug*, Meadville, PA

Noon **Lunch Break – on your own**

Tuesday Afternoon, May 21

General Session Resumes

Moderator: John K. Keller, *Vorys, Sater, Seymour & Pease, LLP*, Columbus, OH

1:30-3:30 **Professional Ethics: Conflicts of Interest and Client Waivers**

- John R. Leathers, Moderator, *Buchanan Ingersoll*, Pittsburgh, PA
- Professor Susan Carle, *American University, Washington College of Law*, Washington, DC
- C. David Morrison, *Stephoe & Johnson*, Clarksburg, WV
- Mary Sue Schulberg, *Columbia Natural Resources, Inc.*, Charleston, WV
- Donald H. Vish, *Parrent & Vish*, Louisville, KY

3:30 **Annual Institute Adjourns**

Energy & Mineral Law Foundation Governing Member Organizations

American Bar Association
— SERL, Illinois State Bar Association, Kentucky Bar Association, Ohio State Bar Association, Pennsylvania Bar Association, Tennessee Bar Association, West Virginia State Bar Association;
American University — Washington College of Law, Indiana University Law School, University of Kentucky College of Law, Northern Kentucky University — Chase College of Law, University of Oklahoma College of Law, University of Pittsburgh School of Law, Southern Illinois University at Carbondale School of Law, University of Texas at Austin, Texas Tech University School of Law, West Virginia University College of Law; American Association of Professional Landmen, Kentucky Coal Association, National Mining Association, Ohio Coal Association, Ohio Oil & Gas Association, Pennsylvania Coal Association, United States Energy Association, Virginia Oil and Gas Association, West Virginia Coal Association, West Virginia Oil and Natural Gas Association.

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Baltimore's Inner Harbor makes city unique

The Inner Harbor, combined with Baltimore's easy accessibility, makes the city unique. Also known as Charm City, Baltimore will be rolling out the red carpet for EMLF members during the 23rd Annual Institute.

A city that has something for everyone, Baltimore offers history and culture as well as some of the greatest sports teams playing in the most breathtaking stadiums in the world.

After spending time there, you are sure to fall in love with Charm City. Downtown Baltimore's renaissance began in 1959 with the development of the 33-acre Charles Center urban renewal program. The success of the \$200 million project initiated the city's redevelopment of the 240-acre Inner Harbor program.

What most people don't realize is that most sites and neighborhoods are within walking distance of each

other, and this makes Charm City an ideal place for business as well as pleasure.

The best view of the city is from the top of Federal Hill on the south side of the Inner Harbor. The surrounding neighborhood has a variety of boutiques and restaurants and one of the city's most popular markets.

Mount Vernon, the cultural center of the city, was the address for the rich and famous during the 18th and 19th centuries. Their legacies include the first architectural monument to George Washington; Peabody Conservatory of Music; The Walters Art Gallery; and the Basilica of the National Shrine of the Assumption, the first Roman Catholic cathedral in the United States.

And don't forget about Canton to the east. There you will find one of the city's hottest neighborhoods, where old factories have been converted into a thriving retail and entertainment hub.

Baltimore is a dynamic city that continues to evolve while holding on to its maritime heritage. Since 1600, Baltimore waterways have been a passage for ships carrying commercial cargo and new citizens. It lies further west than any other major Atlantic port, a point that endeared its harbors to shippers. Baltimore now ranks fourth among United States ports for container cargo on the East Coast. Forty million tons of cargo pass through the port of Baltimore every year.

And EMLF members are fortunate to be in Baltimore while two wonderful art exhibits are available: Reflections of Sea and Light: Paintings and Watercolors of J.M.W. Turner from the Tate, showing at The Baltimore Museum of Art, and The Age of Impressionism: European Masterpieces from Ordrupgaard, Copenhagen, available for viewing at The Walters Art Museum.



There's more to Baltimore than seen at first glance. Charming historic neighborhoods surround the Inner Harbor, each offering their own character, history and cuisine.

Baltimore has restaurants to satisfy nearly every craving. Dining options include elegant gourmet cuisine, ethnic foods from around the world and plenty of fresh seafood from Maryland's Chesapeake Bay. Baltimore is known for its fabulous crabs, and dining at one of the city's many seafood restaurants or crab houses is a must for all who visit.

Little Italy is a pasta lover's paradise with outdoor movies on summer weekends, festivals of San Gabriel and St. Anthony, and two bocce ball courts. Fells Point is the oldest

section of Baltimore and still has the feel of an old English neighborhood with cobblestone streets, unique shops and plentiful pubs and restaurants.

And, there's Inner Harbor East, a bustling waterfront stop with its own attractions, retail shops, restaurants and two new hotels on the way.

At this year's Annual Institute, there will be a hosted reception at the Renaissance Harbor Hotel Monday evening, followed by a dine-around. Take advantage of all that Baltimore has to offer — and please your palate at the same time by joining a dine-around group.

Yes, I want to attend the 23rd Annual Institute May 19-21, 2002

Name _____ Title _____

Organization/firm _____ Daytime phone _____

Address _____ Fax # _____

City, state, zip _____ Email _____

Guest name _____

Fees: Conference Registration _____ Yes, I will attend the May 20 luncheon; reservation required

Yes, count me in for the dine-around May 20

Yes, please reserve one copy of Volume 23 of the Annual Institute Proceedings to be shipped upon publication at the special rate of \$30 (plus shipping and handling); special offer for Annual Institute registrants only

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

Card # _____ Expiration date _____

Signature _____

Three ways to register

- Phone, call 859.257.7140
- Fax, call 859.257.2884
- Mail, send form and payment to EMLF at address below.

Mandatory CLE and Professional Credit

EMLF programs are presumptively accredited for mandatory CLE credits in most states and by the AAPL. Excluding keynotes and luncheon speeches, the Institute consists of 600 minutes, including 120 minutes of professional ethics. Please indicate state(s) where you are requesting MCLE credits:

Cancellation policy

Refunds less a \$75 administrative fee will be given for written cancellations received by May 6. No refunds will be given thereafter, but substitutions can be made at any time. Persons not entitled to a refund will receive all course materials and handouts.

Accommodations

Renaissance HarborPlace Hotel, 202 East Pratt St., Baltimore. \$189 per night, single or double. Please call 800.468.3571 for reservations; cut-off date for rooms is April 13.

Registration

Institute registration fees include all program sessions, materials and handouts, refreshment breaks, Monday luncheon and Monday evening reception.

| | Until April 13 | After April 13 |
|--|----------------|----------------|
| General Registration fee | \$600 | \$650 |
| EMLF Member | 400 | 450 |
| Government Attorney fee | 275 | 325 |
| Others | 200 | 250 |
| Young Lawyer (in practice less than 3 years); Landman; Full Time Law Faculty; or Retired Attorneys | | |

Limited scholarship assistance available; complete form and mail to Sharon Daniels at EMLF.