

# 23<sup>rd</sup> Annual Institute

## Speaker's Bio

### **Robert B. Allen**

Robert B. Allen is a partner in the corporate practice group of Akin, Gump, Strauss, Hauer & Feld, L.L.P. in Houston, where his practice has involved all areas of oil and gas law and related real property law. Mr. Allen's practice has been focused on transactions in which oil and gas assets and electric power facilities and related assets are involved, such as the sale or purchase of producing oil and gas properties, gathering lines, processing plants, pipelines and related assets, and electric generating facilities, or lending transactions in which such assets form the most significant collateral. Mr. Allen has also represented clients in various transactions involving fiber optic systems in the United States.

Mr. Allen has served as principal counsel in numerous transactions, including the acquisition of the midstream assets of an oil and gas company in exchange for stock; representation of a public company in an acquisition by merger of a publicly traded electric utility company; representation of a national telecommunications client in the sale of its fiber optic system; representation of a petroleum company in the acquisition of a foreign government's interests in two refineries; representation of several clients in the sale of substantially all its E&P properties; and the funding, on behalf of institutional investors, for the formation of a limited partnership to acquire natural gas purchase and sales contracts and construct and operate an intra-state natural gas pipeline in Louisiana.

Mr. Allen is a member of the Independent Petroleum Association of America and its Natural Gas Committee. He is also a member of the Board of Trustees of the Energy & Mineral Law Foundation and serves on the Advisory Board of Editors for the proceedings of the Foundation's Annual Institute. He has given presentations on offshore oil and gas developments and limited liability companies before significant legal education programs such as the Louisiana Mineral Law Annual Institute, the Kentucky Mineral Law Conference, and the Energy & Mineral Law Foundation's Winter Workshops. A native of Baton Rouge, Mr. Allen is a member of the Texas and Louisiana Bars and all federal courts in the State of Louisiana. He also served as a law clerk to the Honorable E. Gordon West, U.S. District Court for the Middle District of Louisiana. He received his B.A. in 1972 and his J.D. in 1975 from the Louisiana State University, where he was a member of the *Louisiana Law Review* and Order of the Coif. He presently serves on the advisory council to the dean of the College of Arts and Sciences of Louisiana State University.

### **Charles E. Buffon**

Charles E. Buffon is a partner at Covington & Burling in Washington, D.C., practicing civil litigation, antitrust, trade regulation, complex litigation, intellectual property, advertising, and professional ethics law. He received an A.B. from Dartmouth College in 1961 and an L.L.B. from Harvard University in 1964

Reported cases on which he has served as counsel include: *Davidoff & CIE, SA v. PLD International Corp.* (trademark); *Montblanc-Simplo GmbH v. Staples, Inc.* (trademark); *Aerogroup International, Inc. v. Shoe Show, Inc.* (trade dress case); *William Inglis & Sons Baking Co. v. ITT-Continental Baking* (antitrust); *Jays Foods, Inc. v. National Classification Committee* (antitrust); *In re Coordinated Proceedings in Antibiotic Antitrust Actions* (antitrust);

*North Carolina v. Chas. Pfizer & Co.* (antitrust); *U.S. v. Int'l Tel. & Tel. Corp.*, (antitrust); and *Doherty, Clifford, Steers & Shenfield v. FTC*, (advertising).

Mr. Buffon has been the editor of the *Intellectual Property Fraud Reporter* and is the author of "Ask the Ethics Experts: The Discovery Phase of Litigation," 15 *Antitrust* 59, Summer 2001; "Use of Copyright to Combat Gray Market Imports," *INTA*, May 1997; "Legal Protection Against Product Diversion," *CTFA*, June 1995; "New Directions in International Franchising," *IBA/IFA*, May 1994, and numerous other articles on intellectual property and antitrust issues.

Mr. Buffon has also been active in teaching and bar activities as an Adjunct Professor of Law at American University Law School and as a Chair of the Legal Ethics, Multidisciplinary Practice, and Court Rules Committees of the D.C. Bar, as a Steering Committee member of the Section on Courts, Lawyers and the Administration of Justice, and a member of the Committees on drafting and revision of the D.C. Rules of Professional Conduct. He has also served as a mediator of disputes in the D.C. courts and is a Fellow of the American Bar Foundation.

### **Susan D. Carle**

Professor Susan D. Carle's teaching and research interests lie primarily in the areas of legal ethics, labor and employment law, and the history and sociology of the legal profession. She joined the faculty of American University Washington College of Law in 1997, where she teaches torts, labor and employment law, legal ethics, and externship and research seminars. She serves on the Legal Ethics Committee of the D.C. Bar Association and is a member of the Advisory Committee to the American Bar Association Ethics 2000 Commission.

Professor Carle attended Yale Law School, where she served as Reviews and Comments Editor of the *Yale Law Journal*. After graduation she clerked for the Honorable Dolores K. Sloviter of the United States Court of Appeals for the Third Circuit. She then worked as an appellate attorney in the Civil Rights Division of the U.S. Department of Justice and as an associate at Bredhoff & Kaiser. From 1995-97, she was the W.M. Keck Fellow in Legal Ethics at Georgetown University Law Center.

### **Maureen D. Carman**

Maureen Carman is an attorney at Wyatt, Tarrant & Combs in the Frankfort, Kentucky, office and is a member of the Firm's Mineral & Energy Practice Group. She concentrates her practice in the areas of surety, construction and mineral and energy law. Ms. Carman was formerly in-house General Counsel for Cumberland Surety Insurance Company, Inc. She served on the Board of Directors for the Mediation Center of Kentucky (1992-97) and was managing attorney in the Office of General Counsel for the Kentucky Natural Resources and Environmental Protection Cabinet (1985-90).

Ms. Carman served as President of the Kentucky Association of Bonding Institutions (1992-2000). She is a member of the American Bar Association, Tort and Insurance Practice Section - Fidelity and Surety Committee and Kentucky Bar Association. Recent publications include "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 speaker and panelist on the topics of mining reclamation, surety bonding and law office management since 1980. Ms. Carman received her B.A. degree with honors in 1975 and her J.D. degree in 1979 from the University of Kentucky.

### **Candace W. Clay**

Ms. Clay is an associate in the Lexington, Kentucky office of Dinsmore & Shohl, LLP practicing in the areas of commercial litigation and mineral law. Prior to joining Dinsmore & Shohl, she was an associate with the law firm of Dow, Lohnes & Albertson in Washington, D.C. where she specialized in communications law.

Ms. Clay is a 1988 graduate of the University of Kentucky, *with distinction* and a 1996 graduate of The George Washington University Law School, *with honors*. She is admitted to practice in Kentucky and Washington, D.C. and before the U.S. District Courts in the Eastern and Western Districts of Kentucky and the Sixth Circuit Court of Appeals.

### **Elizabeth L. Cocanougher**

Beth Cocanougher is Senior Corporate Attorney for LG&E Energy Corp. (LG&E), a wholly owned subsidiary of Powergen PLC, an international energy company headquartered in the United Kingdom. Her practice areas include commercial transactions and real estate. She is the primary attorney at LG&E responsible for fuels-related transactions and counsels clients regarding a variety of synthetic fuel, petroleum coke, coal and gas transactions. Prior to joining LG&E, she practiced law in Palm Beach County, Florida with the law firms of Mershon, Sawyer, Johnston, Dunwody & Cole and Steel Hector & Davis, primarily focusing on real estate transactions and real estate-related litigation.

Ms. Cocanougher relocated to Kentucky to be Assistant General Counsel with Aegon U.S.A., where she was responsible for structuring commercial real estate mortgage loans, commercial leases, and property sales agreements and negotiating Section 42 affordable housing tax credit transactions. She graduated *cum laude* from the University of Miami School of Law in Coral Gables, Florida, where she was a member of the University of Miami Law Review, the University of Miami Inter-American Law Review and Omicron Delta Kappa Honorary Leadership Society and received the Soia Mentschikoff Award for Excellence in Scholarly Writing. She is a member of the Kentucky, Louisville and American Bar Associations and the Florida Bar.

### **Edward G. Gallagher**

Edward G. Gallagher is the General Counsel of The Surety Association of America and practices law in Washington, D.C., Virginia and Maryland as a shareholder in the Vienna, Virginia office of Wickwire Gavin, P.C. He is a past Chair of the Fidelity and Surety Law Committee of the Tort and Insurance Practice Section of the American Bar Association, Secretary of the Fidelity Law Association, and a frequent speaker on Fidelity and Surety topics. Mr. Gallagher is a graduate of Williams College and The George Washington University National Law Center.

### **William T. Gorton III**

William T. Gorton, III is a partner in the Lexington office of Stites & Harbison. His practice includes natural resource, mining, waste, energy and environmental law counseling and litigation. His practice also includes transactional work in performing necessary due diligence related to large natural resources and environmentally sensitive commercial transactions, legislative analysis and participation in rulemaking for clients.

Mr. Gorton is an Adjunct Professor of Environmental Law at the University of Kentucky and an arbitrator for the American Arbitration Association. Prior to practicing law, Bill was an associate and manager for Skelly & Loy, Engineers-Consultants. He managed mining and environmentally related projects throughout the United States. In 1996 Bill was invited as one of four United States delegates for the United States Information Agency in a professional exchange to the African nations of South Africa, Zimbabwe and Uganda to meet with government, private sector and environmental groups and educators to address natural resources and environmental issues in a context of economically sustainable development. Bill chaired the 25<sup>th</sup> Kentucky Mineral Law Conference and is a Trustee of the Energy & Mineral Law Foundation.

### **Richard L. Gottlieb**

Richard L. Gottlieb is a Member of Lewis, Glasser, Casey & Rollins, L.L.P. in Charleston, WV, where he practices in the areas of Commercial Litigation, Civil Litigation, Oil and Gas Law, Public Utility Law, Environmental Litigation, and Government Relations. Mr. Gottlieb attended Warwick University, in Coventry, England, and received a B.A. from Tulane University in 1976 and a J.D. from Washington & Lee University in 1977. He is admitted to practice in West Virginia, the U.S. District Court, Northern and Southern Districts of West Virginia, District of Columbia, and the U.S. Court of Appeals for the Fourth, Fifth and District of Columbia Districts.

Prior to joining the firm of Lewis, Glasser, Mr. Gottlieb served as Assistant Attorney General of West Virginia; Counsel, West Virginia State Senate Judiciary Committee; Attorney, Office of Enforcement, Federal Energy Regulatory Commission; Counsel to Columbia Gas Transmission Corporation; and Chief Deputy Attorney General of West Virginia.

### **Timothy J. Hagerty**

Timothy J. Hagerty is a Member of Frost Brown Todd LLC. He counsels the Firm's clients on environmental compliance and liability issues arising under federal, state, and local laws, with an emphasis on resource management, planning, permitting, and land use issues. He has extensive experience public and private clients in complying with the National Environmental Policy Act, Section 4(f) of the Department of Transportation Act, and similar state resource review requirements.

Mr. Hagerty assists clients in obtaining wetlands and wastewater discharge permits and related approvals under the federal Clean Water Act and similar state and local laws. He also has provided advice to clients concerning the requirements of the Endangered Species Act, the National Historic Preservation Act, and the Clean Air Act. Mr. Hagerty's experience includes work on large-scale residential and commercial developments as well as major public transportation projects, including the Louisville-Southern Indiana Ohio River Bridges Project currently underway. Mr. Hagerty also assists the Firm's clients in conducting environmental due diligence and negotiating environmental provisions in complex corporate and real estate transactions.

Before joining Frost Brown Todd, Mr. Hagerty practiced environmental law with Beveridge & Diamond, P.C., in Washington, D.C. He is admitted to practice in Kentucky and the District of Columbia; the United States District Courts for the Western and Eastern Districts of Kentucky; and the United States Courts of Appeals for the Fourth and Sixth Circuits.

## **Jill Morgan Harrison**

Jill Harrison is an attorney with Penn, Stuart & Eskridge in Abingdon, Virginia, where she represents oil and gas and coal industry clients in the areas of litigation, title examination, corporate acquisitions and related business matters. Ms. Harrison regularly conducts mineral title examinations and drafts mineral leases. Ms. Harrison also represents management in employment law matters, including claims before the Equal Employment Opportunity Commission as well as in federal court.

Ms. Harrison assists management in the formulation and application of employment policies and procedures, performs investigations of discrimination/harassment allegations in the workplace and conducts training seminars for management and staff personnel on a broad spectrum of employment and personnel issues.

Ms. Harrison is a member of the Washington County, Virginia, and Tennessee Bar Associations, the American Association of Professional Landmen, and the Appalachian Association of Professional Landmen.

Ms. Harrison is active in various community projects and organizations, including the Junior League of Bristol. Ms. Harrison is a member of the Bristol, Tennessee, Planning Commission. She received her B.S. from the University of Tennessee in 1982 and also her J.D. from University of Tennessee in 1985.

## **Henry McC. Ingram**

Henry McC. Ingram is an attorney with Dinsmore & Shohl LLP in the firm's newly opened Pittsburgh office. He is a graduate of Allegheny College (1961) and the University of Michigan Law School (1964), and has practiced law in Pennsylvania for 35 years, concentrating on environmental and land use regulation affecting the development of mineral resources.

After brief associations with Philadelphia and Lancaster, Pennsylvania-based law firms in 1966, he joined Pittsburgh-based Rose, Schmidt and Dixon, in which he became a partner in 1971. In 1986, he joined Buchanan Ingersoll as a shareholder, where he served as chairman of that firm's Environmental and Natural Resources law section and a member of its Board of Directors. In December 1997, he joined Pittsburgh-based Reed Smith Shaw & McClay as counsel and at the same time co-founded Resource Law Partners, a law partnership formed to continue representation of a single client. Mr. Ingram left Reed Smith in December, 1999 to devote his full time to Resource Law Partners and expanded its practice to include representation of the companies, individuals and organizations he had represented previously at other law firms.

Mr. Ingram is general counsel of the Pennsylvania Coal Association and the Pennsylvania Landowners Association. In 1998, Mr. Ingram was named Distinguished Coal Lawyer of the Year by the National Mining Association. He has twice served as Chairperson of the Environmental and Natural Resources Section of the Pennsylvania Bar Association, is a Governing Member Trustee of the Energy & Mineral Law Foundation and a member of the Pennsylvania Wetlands Protection Advisory Committee. Since the early seventies, he has practiced in the environmental and natural resources law area, representing clients in the coal industry, the aggregates industries and other business clients in a wide variety of regulatory and litigation matters. He has written numerous papers and articles on legal issues arising from the development of mineral resources, including the proceedings of Energy & Mineral Law Foundation and the *West Virginia Law Review* and is a regular contributor to *The Landowner*.

Mr. Ingram practice involves regulatory counseling, litigation challenging land use restrictions, defense of citizen suits seeking to restrict resource development activities, permit appeals and mine subsidence damage claims, the structuring of permits and authorizations from state regulatory agencies, OSM, the U.S. Corps of Engineers and EPA. He represents several clients in connection with state and federal laws and regulatory initiatives relating to protection of historic resources, endangered species and wetlands and in all aspects of federal, state and local regulation of mineral resource development.

### **David J. Laurent**

David J. Laurent is a shareholder in the Employment and Labor Services Group of Babst, Calland, Clements and Zomnir, P.C. in Pittsburgh. His practice concentrates on a wide range of labor, employment, and employee benefits matters for employers in several states. He has extensive experience representing employers in traditional labor relations matters including collective bargaining, organizing campaigns, grievance and arbitration proceedings, drug and alcohol testing, union avoidance training, representation and decertification elections, successorship disputes, secondary boycotts, reserved gates, strike preparations, replacement workers, corporate campaigns, strike misconduct injunctions, union jurisdictional disputes, plant closures, WARN Act issues, double-breasting, overtime pay, multiemployer bargaining, and acquisitions and divestitures.

Mr. Laurent likewise has broad experience helping employers avoid and, if necessary, defend employment discrimination claims arising under the Americans With Disabilities Act, Title VII of the Civil Rights Act of 1964, and the Age Discrimination in Employment Act. This includes addressing unique disability accommodation and light duty issues that arise in the restrictive environment of a unionized work place. He also has extensive experience analyzing and litigating employee benefits matters for employers, including pension and health benefit eligibility disputes, delinquent contribution claims, COBRA rights, severance claims, plant shutdown pension enhancements, pension plan withdrawal liability, and control group determinations.

His practice also encompasses a variety of issues arising under the Coal Industry Retiree Health Benefit Act of 1992, such as administrative and court challenges to beneficiary assignments, related person disputes, eligibility determinations, and successor liability. Before joining BCCZ in 1999, he worked for Polito & Smock, P.C. for seventeen years, and the U.S. Department of Labor for two years. He received his B.A. Degree, *cum laude*, from Indiana University of Pennsylvania in 1977, and his J.D. Degree, *cum laude*, from Duquesne University in 1980.

Mr. Laurent is admitted to practice in Pennsylvania and the District of Columbia, as well as the Supreme Court of the United States and the Courts of Appeals for the Third, Fourth, Sixth, Eleventh, and District of Columbia Circuits. He is a Trustee of the Energy & Mineral Law Foundation, is on its Executive Committee, chaired the 22<sup>nd</sup> Annual Institute, and has authored or co-authored several papers for the Foundation, including “They’re Not Our Employees – Are They? An Examination of the Labor, Employment, and Employee Benefits Issues that Can Arise with the Use of Temporary, Contract, and Leased Employees,” 21 *Energy & Min. L. Inst.* ch.1 (2000); “Successor Liability Under the Coal Industry Retiree Health Benefit Act of 1992,” 18 *Eastern Min. L. Inst.* ch. 1 (1997); “Liability for Labor and Employment Obligations of Others,” Special Institute on Enterprise Liability, *Eastern Mineral Law Foundation*, April 5, 1995, and “Collective Bargaining Obligations Following a Hiatus in Coal Mining Operations,” 13 *E. Min. L. Inst.* ch. 6 (1992).

## **John R. Leathers**

John R. Leathers is a shareholder in the Pittsburgh, Pennsylvania, office of Buchanan Ingersoll Professional Corporation. Mr. Leathers has a practice which concentrates in commercial litigation, including that specifically related to disputes arising from regulatory and business issues involved in all areas of mineral law. He is a frequent speaker at presentations related to professional ethics, having made such presentations for many organizations.

Prior to entering the private practice of law, Mr. Leathers was for sixteen years a law professor, having taught at Columbia Law School, the University of Houston, the University of Oklahoma and the University of Kentucky. His teaching fields included Conflict of Laws, Federal Civil Procedure and Federal Jurisdiction. Mr. Leathers has published frequently, being the author of more than twenty articles. Mr. Leathers is a 1968 graduate of the University of Texas at El Paso, holds a law degree from the University of New Mexico School of Law and received an LL.M. from Columbia Law School.

## **Jay G. Martin**

Jay G. Martin is a Shareholder in the corporate section of the Houston, Texas office of Winstead Sechrest & Minick. Jay primarily counsels energy clients regarding many types of domestic and international business transactions and a wide range of regulatory compliance matters particularly in the Americas and Africa. Jay has extensive experience in both the gas and electric areas, and also has significant experience in energy litigation.

Prior to joining Winstead in June of 2001, Jay was a partner in the Houston office of Phelps Dunbar LLP, heading up the firm's Texas and international energy practices. Before joining Phelps Dunbar in Houston, Jay was a partner in the Washington, D.C. office of Andrews & Kurth. Prior to joining Andrews & Kurth, Jay served as an Assistant General Counsel with Mobil Oil where he participated in oil, gas and power projects in more than a dozen countries and supervised approximately twenty-four attorneys.

Jay holds B.B.A., J.D. and M.P.A. degrees from Southern Methodist University. He is currently a Trustee for the Rocky Mountain Mineral Law Foundation. From 1997 - 1999 Jay was a member of the Executive Council of the American Bar Association's Section of Environment, Energy and Natural Resources Law and served as budget officer for the Section. Jay has also been a past director of the Energy Bar Association and currently serves as the Chair of the International Section of the Energy Bar Association.

Jay has repeatedly been awarded Martindale-Hubbell Law Directory's highest AV rating (legal ability very high to pre-eminent), and was honored to be selected in 1997, 1999 and again in 2001 by Euromoney as one of the world's leading energy attorneys. Jay has published two books and over fifty articles on energy, corporate and environmental topics. His most recent book, which is entitled *Dispute Resolution for Oil and Gas Practitioners*, was published in April 2001 by the American Bar Association.

## **Keith Martin**

Keith Martin provided tax advice last year to 82 companies and worked on projects in the U.S. and 18 foreign countries. He is a partner in the Washington office of Chadbourne & Parke LLP, a New York law firm with other offices in Los Angeles, Hong Kong, Moscow and London. The

firm represents many prominent corporations in the United States and abroad. Keith is the editor of the *Project Finance NewsWire* and a contributing editor of *International Tax Report*, *Practical Latin American Tax Strategies* and *Natural Gas*.

Keith also lobbies Congress and the Treasury Department on policy issues. He was involved in writing the section 29 tax credit in 1980. He helped persuade Congress in 1992 and 1996 to extend the credit and in 1997 not to roll back the deadline for placing remaining projects in service. He served as tax counsel to Senator Daniel Patrick Moynihan (D.-N.Y.) and as a legislative assistant to Senator Henry M. Jackson (D.-Wash.) before joining Chadbourne in 1983.

He is a frequent speaker at conferences and writes papers that receive wide circulation within the project finance community. Recent papers include "IRS Reopens Synfuel Window" (*Project Finance NewsWire*, June 2001); "Municipal Power Deals" (*Project Finance Monthly*, February 2001); "Spotlight on Section 45 Tax Credits" (*Project Finance Monthly*, October 2000); "Latest Tax Angles for Latin American Projects" (*Practical Latin American Tax Strategies*, September 1999); "Restructuring IPP Contracts" (*Power Finance & Risk*, June 1999); "US Changes Tax Burden on International Projects" (*International Financial Law Review*, November 1997); "Cross Border Leasing" (*Proceedings, EEI Tax School*, July 1997); "Tax Issues and Opportunities in Restructuring Contracts" (*Project Finance International*, April 1997); "IRS Targets Debt-Equity Swaps in Latin American Privatizations" (*Latin American Finance & Capital Markets*, October 1996); "Beware the Foreign Corrupt Practices Act" (*International Commercial Litigation*, October 1996); and "Spotlight on Section 29 Tax Credits" (*Solid Waste Technologies*, September 1996).

### **Elizabeth A. McClanahan**

Elizabeth McClanahan is the Chief Deputy Attorney General for Virginia. She is also a member of the Board of Trustees of the Energy and Mineral Law Foundation. She is a recognized national authority on coalbed methane, having published numerous articles on the subject. In 1994, Ms. McClanahan was selected as the El Paso Natural Gas Law Fellow for the Natural Resources Law Center, University of Colorado School of Law. She is a member of the National Chamber Foundation Board of the United States Chamber of Commerce, the Virginia Bar Association Judiciary Committee, and the North American Coalbed Methane Forum.

Ms. McClanahan earned her J.D. from the University of Dayton School of Law, where she was a member of the *University of Dayton Law Review*. She is licensed to practice law in Virginia, Tennessee, Kentucky, the District of Columbia, Maryland and West Virginia. In her volunteer public service life, Ms. McClanahan has served as Vice-Rector of The College of William and Mary in Virginia, is the past chairman of the State Council of Higher Education for Virginia, and was chairman of the Taskforce on Governance Issues for the Governor's Blue Ribbon Commission on Higher

### **Robert G. McLusky**

Bob McLusky is a member in the Charleston, West Virginia office of Jackson & Kelly PLLC. He is a 1977 graduate of Colgate University and a 1981 graduate of Washington and Lee University School of Law and has been listed in Best Lawyers in America since 1993. He joined the litigation section of the firm in 1981 and moved to the environmental section in 1983.

His practice is divided between environmental litigation and client counseling for the chemical, coal and waste disposal industries. Publications include: Co-Author: "Valley Fills and the Clean Water Act: The Strange Confluence of the Clean Water Act and SMCRA in *Bragg v. Robertson*," published in 20 *Energy & Min. L. Institute* (2000); Co-Author: "Recent Permitting and Enforcement Measures to Combat Acid Mine Drainage - Are They in Contravention of SMCRA?," published in the 17th Eastern Mineral Law Institute Proceedings (1996); "Citizens' Suits Under Selected Environmental Statutes," West Virginia University Continuing Legal Education (February, 1990); "West Virginia Regulation of Subsidence," Eastern Mineral Law Special Institute on Coal Mine Subsidence (December 1989). Bob is currently the President of the Energy & Mineral Law Foundation, and serves on its Board of Trustees representing the West Virginia Coal Association.

### **Thomas C. Means**

Thomas C. "Tim" Means is a partner with the Washington, D.C. law firm of Crowell & Moring, where he specializes in mining law and litigation. He is a Phi Beta Kappa graduate of Dartmouth College, and graduated with highest honors from the George Washington University Law School, where he was a member of the Law Review, and was elected to the Order of the Coif.

Mr. Means has extensive administrative and court litigation experience under the Federal Mine Safety and Health Act and the Surface Mining Control and Reclamation Act. In the mine safety field, he and his partners at Crowell & Moring have represented numerous mine operators and mining industry associations in many of the leading mine safety and health cases over the past two decades. Mr. Means is experienced in counseling mine operators and supervisors on a broad range of MSHA compliance issues, defending against MSHA special investigations and discrimination claims, and in challenging MSHA enforcement actions and regulations in litigation at the Federal Mine Safety and Health Review Commission and in the federal courts. Mr. Means is a past President of the Energy & Mineral Law Foundation and continues as a Trustee and a member of the Advisory Board of Editors and the Scholarship and Grants Committee for the Foundation.

### **C. David Morrison**

David Morrison received his B.A. from Transylvania University in 1978 and his J.D. from the University of Kentucky in 1981. He is a partner with the law firm of Steptoe & Johnson PLLC, where he represents employers in employment and labor-related matters. Morrison has been a member of the Employment Law Committee of the West Virginia State Bar since 1982 and a member of the Subcommittee of Employee Rights and Responsibilities, Employment Law Committee of the American Bar Association. He has served as an adjunct lecturer at the West Virginia University College of Law, and he has been a frequent lecturer on the subject of employment and labor law. Mr. Morrison regularly provides advice to employers on employment and labor issues and he has tried over thirty employment and labor cases. He has been the chairman of Steptoe & Johnson's Employment Law Department for the past ten years. In 2001, Mr. Morrison was named to the "Best Lawyers in America" list for Employment Law by his peers.

### **George A. Patterson, III**

George A. Patterson, a member in the Charleston office of Bowles Rice McDavid Graff & Love, concentrates his practice in coal, oil and gas, real estate law, and commercial law. Mr. Patterson earned his Bachelor of Science and Bachelor of Arts degrees, magna cum laude, in 1976 from

West Virginia University. He earned his law degree in 1979 from West Virginia University College of Law where he served as Managing Editor for the *West Virginia Law Review* (1979).

He was admitted to practice in West Virginia in 1979 and is admitted before the U.S. District Courts for the Northern and Southern Districts of West Virginia, and the United States Court of Appeals for the Third Circuit. He was an instructor of Accounting at West Virginia University College of Business in 1978.

Mr. Patterson is a Trustee of the Energy & Mineral Law Foundation and served as Chairman of its Oil and Gas Committee (1996 - 1997). His publications include "Is a Gas Purchase Agreement Subject to UCC Section 2-306?" 17 *E. Min. L. Inst.* ch. 18 (1997). He is a member of the American Bar Association, the West Virginia State Bar and the West Virginia Bar Association.

### **David E. Pierce**

David Pierce is a Professor of Law at Washburn University School of Law where he teaches Oil and Gas Law, Advanced Oil and Gas Law, Energy Law, Contracts, and Hazardous Waste Regulation. Prior to entering law teaching, Professor Pierce was an oil and gas attorney for Shell Oil Company in Houston, Texas and a Research Fellow at the University of Utah's Energy Law Center in Salt Lake City, Utah. Prior to that he practiced law in Kansas. Professor Pierce holds a B.A. degree from Kansas State College of Pittsburg, a J.D. from Washburn University School of Law, and an LL.M. (Energy Law) from the University of Utah College of Law. Professor Pierce is a member of the American Law Institute. Professor Pierce is a co-author of *Cases and Materials on Oil and Gas Law* (West 3d ed. 1998) (with Professors John S. Lowe, Owen L. Anderson, and Ernest E. Smith), an upkeep/revisions co-author for *Kuntz on the Law of Oil and Gas* (Anderson 1998) (with Professors John S. Lowe, Owen L. Anderson, and Ernest E. Smith), and the author of the *Kansas Oil and Gas Handbook* (KBA 1986).

### **Harold P. Quinn**

Hal Quinn is Senior Vice President, General Counsel and Secretary for the National Mining Association (NMA) in charge of legal and regulatory affairs. He served as the Senior Vice President for Legal and Regulatory Affairs and General Counsel for the National Coal Association prior to the formation of the NMA through the merger of the American Mining Congress and NCA in 1995. For more than fifteen years, he has represented the mining industry in administrative proceedings and litigation involving the principal regulatory programs applicable to mining. He is a graduate of Denison University, and received his law degree from Wake Forest University. He is admitted to practice before the North Carolina and District of Columbia bars, the Supreme Court, and various U. S. Courts of Appeals. Mr. Quinn has served in the U.S. Department of Interior in various capacities, including Assistant Solicitor for Litigation and Enforcement, Assistant Solicitor for Governmental Relations, and Acting Deputy Associate Solicitor for Surface Mining. From 1980-1982, Mr. Quinn was an attorney in the branch of Trial Litigation for Mine Safety and Health in the Office of the Solicitor, U.S. Department of Labor. Mr. Quinn is a frequent speaker on topics related to the regulation of mining and has also authored various articles on the subject including "Lessons From the Coal Law – The Future of Natural Resource Development," 41 *Rocky Mt. Min. Law Inst.* 2-1 (1995); "Coal Resource Development and Land Use Planning: The Demands of SMCRA," *Natural Resources and Environment* 3(4):24 (1989); "Valid Existing Rights and SMCRA's Proscriptions on Mining," 5 *J. Min. L & Pol'y* 741 (1990); and (with Thomas C. Means) "Liability of Parent

Corporations for the Operations of Their Subsidiaries in the Minerals Industry,” 17 *E. Min. L. Inst.* ch. 2 (1996).

### **George A. Rusk**

Mr. Rusk has over 20 years’ experience and an extensive background in environmental law. He specializes in review/analysis of federal and state environmental legislation and implementation of regulations concerning the control of toxic substances; permitting and environmental impacts associated with hardrock and coal mine development; natural resource damages and enforcement actions relating to the release of hazardous substances; occupational safety and health; hazardous and solid waste management, generation, storage, transport, and disposal; management of low-level radioactive waste; and synthetic and alternative fuel development. His wide range of responsibilities include coordination of matters involving regulatory agency proceedings; tracking of federal and state regulatory and legal developments; development of permit acquisition strategies and participation in legislative and adjudicative hearings; implementation and oversight of due diligence site assessments and regulatory compliance audits; negotiation with agencies regarding the scope of remedial programs, fines, penalties, natural resource damage and compensatory mitigation programs, and cleanup levels for hazardous waste sites and releases of hazardous substances or pollutants.

Mr. Rusk directs Ecology and Environment, Inc.’s (E & E’s) litigation support services group. He works directly with outside counsel and E & E toxicologists, medical doctors, engineers, and other technical staff to provide focused technical support on contested matters.

Project work he has directed includes negotiation of penalties, consent orders, environmental impact assessments and stream restoration and remedial programs relating to spills of hazardous substances or pollutants; development of integrated Geographic Information System (GIS) databases, contaminant dispersion maps, and demonstrative aids on large-scale toxic tort cases; coordination of pretrial discovery and independent medical examinations to develop medical history summary databases; implementation of scientific research and literature reviews to identify relevant exposure standards and health effects of particular compounds; development of briefing packages for expert witnesses to ensure consistency of testimony and work products; fact-gathering efforts and research studies to identify alternate causation theories on cases involving alleged chemical exposures and contamination from historic waste disposal practices; engineering evaluations of remediation work to assess the reasonableness of disputed insurance claims; and development of allocation models to evaluate relative responsibilities of potentially responsible parties involved in cost recovery litigation. Mr. Rusk earned his J.D. at State University of New York in Buffalo and his B.A. in Political Science at Yale University.

### **Russell L. Schetroma**

Russell L. Schetroma is a shareholder and director in the law firm of Culbertson, Weiss, Schetroma and Schug, P.C. with offices in Erie, Meadville, Pittsburgh and Titusville, Pennsylvania. He chairs the firm’s business, real estate and general practice group. He has overseen his firm’s work as solicitors for the City of Meadville since 1975.

Mr. Schetroma received his Juris Doctor *cum laude* from the Dickinson School of Law. He was awarded a certificate in East/West Law and Relations by the McGeorge School of Law of the University of the Pacific after completing a course of study with the Austro-American Institute of Education in Vienna, Austria and the law faculty of Eötvös Lorand University in Budapest,

Hungary. Mr. Schetroma has lectured and published extensively on topics related to oil and gas law, land title law, business law, international trade, municipal law and legal ethics.

Mr. Schetroma is a member of the American, Pennsylvania and Crawford County (Pennsylvania) bar associations and is a past president of the Crawford County Bar. He co-chairs the Pennsylvania Bar Association's statewide committee on Equal Justice for the Poor and chairs the Land Title Standards Committee of the Crawford County Bar Association. He received an award from the Pennsylvania Bar Association for outstanding contributions to Pennsylvania's *pro bono* services in the years 1989-1990.

Mr. Schetroma is a trustee of the Energy & Mineral Law Foundation and has served as a member of the executive committee of its board of trustees, assistant treasurer and Secretary. He was awarded the EMLF's President's Award in 1993 for his work in assisting in the preparation of a comprehensive index to the then Eastern Mineral Law Foundation's annual institute proceedings

### **Arnold L. Schulberg**

Arnold L. Schulberg is an attorney in private practice in Hurricane, West Virginia. He is admitted to practice in Ohio, Pennsylvania, and West Virginia. In addition to a legal practice consisting of oil and gas work,

Mr. Schulberg is a Certified Professional Landman and the owner of Huron Land Services, which provides land services throughout the Appalachian Basin.

Arnie's prior service on behalf of the Energy & Mineral Law Foundation, includes Program Chairman, Special Institute on Joint Operating Agreements (September, 1988); Chairman, Landmen's Subcommittee, Tenth Annual Institute (1989); and Annual Institute Program Chairman, Twelfth Annual Institute (1991).

Mr. Schulberg is a past president (1992-1993) of the Michael Late Benedum Chapter of the American Association of Professional Landmen and served as Chairman for the AAPL's 44th Annual Meeting and International Conference in Pittsburgh, Pennsylvania (1998). He is the immediate past chairman of the AAPL's Forms Committee. He is the co-author, with Michael E. Curry, RLP, of an article entitled, "New AAPL Model Form Master Land Services Contract Now Available," that appeared in the July/August 2001 edition of *Landman* magazine.

### **Mary Sue Schulberg**

Mary Sue Schulberg is Senior Attorney and Assistant Secretary at Columbia Natural Resources, Inc. in Charleston, West Virginia. Her areas of responsibility include title work for the drilling program, deep well regulatory issues, and legislative issues in Virginia and West Virginia.

Prior to her current employment, Ms. Schulberg was Agency Counsel for Commonwealth Land Title Insurance Company, Attorney - Land for CNG Producing Company and CNG Development Company and has been a sole practitioner in Morgantown, West Virginia, and Pittsburgh, Pennsylvania.

A graduate of West Virginia University College of Business and Economics and College of Law, Ms. Schulberg is licensed to practice in West Virginia and Pennsylvania. She currently serves as a member of the Executive Committee and as a Trustee of the Energy & Mineral Law

Foundation, as a member of the Legal Committee of the Virginia Oil & Gas Association and is a member of the Michael Late Benedum Chapter of the American Association of Professional Landmen.

### **George L. Seay**

George Seay practice at Wyatt Tarrant & Combs in Frankfort, Kentucky, and is a member of the Firm's Mineral & Energy and Environmental Law Practice Groups. He concentrates his practice in the areas of environmental, mineral, natural resources and administrative law. Mr. Seay has handled environmental litigation, enforcement, and permitting matters for clients under all major federal, state and local laws including CERCLA PRP, RCRA, TSCA, Clean Water Act, Clean Air Act, and toxic tort litigation. He has particularly been involved in the United States Environmental Protection Agency's dioxin reassessment process on behalf of clients, including research and comments on proposed rules and policies of the United States Environmental Protection Agency.

Mr. Seay has co-authored numerous articles for *Inside Environment*, and is a co-author of *The Kentucky Environmental Law Handbook*, Government Institutes (1991, 1993). He is co-author of "Kentucky's Operating Permit Program Implemented Pursuant to Title V of the Clean Air Act Amendments of 1990," to be published by the Thompson Publishing Group. He is a regularly featured speaker at a number of professional and trade organization seminars including the Kentucky Bar Association's Annual Convention, the Kentucky Mineral Law Conference, Government Institutes' Environmental Law Conference, and environmental forums sponsored by the Kentucky Chamber of Commerce. Prior to joining the Firm, Mr. Seay was Chief Law Clerk for the Kentucky Court of Appeals (Kentucky Supreme Court), 1973-74; Departmental Attorney for the Kentucky Natural Resources and Environmental Protection Cabinet, 1975-78; and a partner in Zaluski & Seay concentrating in environmental matters, 1978-84. He is a member of the Association of Trial Lawyers of America, Kentucky Academy of Trial Attorneys, the Environmental Auditing Roundtable, Energy & Mineral Law Foundation, Kentucky Coal Association, Bluegrass Theatre Guild (Past President), and Franklin County Chamber of Commerce. Mr. Seay is a member of the Kentucky and American Bar Association's Natural Resources sections and is also a member of the Franklin County, Louisville and Indiana Bar Associations. On multiple occasions, Mr. Seay has been named as an outstanding attorney in the publication *Best Lawyers in America*. Mr. Seay received his B.A. degree in 1970 from Hanover College and his J.D. degree in 1973 from the University of Louisville School of Law.

### **Michael R. Shebelskie**

Mike Shebelskie is attorney with Hunton & Williams in the Richmond, Virginia, office. He received his

J.D. in 1986 from Yale University; where he was Senior Editor, *Yale Law Journal* and Business Editor, *Yale Journal of International Law*. Following law school, he was a Judicial Clerk for the Hon. Frank M. Johnson, Jr., 11th U.S. Circuit Court of Appeals, from 1986-87. He received a B.A. in Economics, *summa cum laude*, from Duke University in 1983.

Mr. Shebelski is a Member of the Virginia State Bar, American Bar Association, Virginia Bar Association and the Richmond Bar Association. Recent speeches include "Tricky Civil Procedures in Federal Law," for the Richmond Bar Association, April 1998 and "Contract Drafting Pitfalls," for the National Association of Procurement Managers – Central Virginia Chapter, in April

1998. Mr. Shebelski authored “The Major Nicholson Incident,” 11 *Yale Journal of International Law* 521, 1986.

Mr. Shebelski’s litigation practice focuses on complex commercial disputes, business torts, utilities litigation, products liability, constitutional law, federal Indian law and appellate proceedings. Other practice areas include securities litigation, construction litigation, ERISA disputes and zoning cases, and he has tried a variety of cases in state and federal court for electric utilities, from complex contract actions to wrongful death actions. Mr. Shebelski has represented parties in a wide variety of appeals in federal courts throughout the country and in the Virginia Supreme Court. The subject matter of these appeals have included First Amendment and other constitutional issues, federal regulatory issues, contract disputes and zoning claims. He has also represented a federally recognized Indian tribe and investors in litigation regarding a telephone and Internet based lottery.

### **David L. Trimm**

David Trimm is a senior ecologist with the Buffalo-based firm of Ecology & Environment, Inc., in their Pensacola, Florida office. He directs the company’s ecological risk assessment and natural resource damage assessment programs within the U.S. and internationally. Mr. Trimm’s expertise lies in evaluation and assessment of the ecotoxicological impacts to terrestrial, aquatic and marine organisms from exposure to persistent and accumulative chemicals.

Mr. Trimm has twenty-three years of experience in marine, aquatic and terrestrial resource investigation and project management. He has led and participated in natural resource damage assessments for oil, gas and mining industry clients, and has implemented biological monitoring and effects assessments on behalf of private clients, and federal and state agencies.

Prior to joining Ecology and Environment, Inc., in 1999, Mr. Trimm was Vice-President of a Florida-based environmental consulting firm. His work experience includes Ecological Discipline Manager for a Memphis-based consulting company; senior scientist for a Houston-based firm; and over ten years combined service with the Texas Natural Resource Conservation Commission, Texas Parks and Wildlife Department and National Marine Fisheries Service. Mr. Trimm holds a Master of Science degree in marine ecology, a Bachelor of Science in aquatic ecology, and is a Certified Fisheries Professional (C.F.P.) with the American Fisheries Society.

### **Donald H. Vish**

Mr. Vish is a partner with Parrent & Vish in Louisville, Kentucky. He is admitted to practice in Kentucky (1971) and Florida (1972), and holds the following memberships: Life Member, American Bar Foundation, American Law Institute. He is an author (and on the Board of Editors), of *Kentucky Election Law* (University of Kentucky, 1994); *American Law of Mining 2nd* (Matthew Bender & Co.); and *Coal Law & Regulation* (Matthew Bender & Co. 1983-1992). He served as Associate Solicitor, U.S. Department of the Interior, Washington, D.C. from 1989-1991. He was appointed by the Governor to the Kentucky Registry of Election Finance (1991-1993). Mr. Vish has also served as Adjunct Associate Professor of Law at the University of Kentucky College of Law (1978-1984). He is an Honorary and Founding trustee of the Energy & Mineral Law Foundation, and is a frequent speaker for the Foundation on professional ethics.