

Energy & Mineral Law Foundation  
Mine Safety & Health Law Special Institute  
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## Speakers' Biographies

### **Adele L. Abrams** **Law Office of Adele L. Abrams, P.C.**

Adele L. Abrams is an attorney, safety professional and trained mediator who is president of the Law Office of Adele L. Abrams P.C. in Beltsville, Maryland, a 10-attorney firm focusing on safety, health and employment law nationwide. Adele is a certified mine safety professional, and she also provides consultation, safety audits and training services to MSHA and OSHA regulated companies.

Adele is a regular columnist for numerous magazines on legal, employment, mine and occupational safety/health issues, and is co-author of several books related to mining, construction and occupational safety and health. She is also on the adjunct faculty of the Catholic University of America, where she instructs on Employment and Labor Law.

She is a member of the Maryland, D.C. and Pennsylvania Bars, the U.S. District Courts of Maryland, D.C. and Tennessee, the U.S. Court of Appeals, DC, 3<sup>rd</sup> and 4<sup>th</sup> Circuits, and the United States Supreme Court. She is a graduate of the George Washington University's National Law Center, and earned her B.S. in Journalism from the University of Maryland, College Park. Her professional memberships include the American Society of Safety Engineers, National Safety Council, International Society of Mine Safety Professionals, the National Stone, Sand & Gravel Association, the Industrial Minerals Association-North America, and the Energy & Mineral Law Foundation.

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### **Derek Baxter** **MSH Division** **U.S. Department of Labor, Office of the Solicitor**

Derek is Co-Counsel for Trial Litigation with the Division of Mine Safety and Health (MSH). He previously served as Accident Investigation Coordinator with MSH, working on the Crandall Canyon and Upper Big Branch investigations. He graduated from NYU School of Law in 1999. Prior to coming to the Department of Labor, Derek was a trial attorney in the fields of farmworker legal services, labor law, and international human rights.

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### **Robert Huston Beatty, Jr.** **Dinsmore & Shohl LLP**

Bob represents mine operators in the coal and metal/non-metal sectors of the mining industry in mine safety and health regulatory matters before federal and state administrative agencies, federal courts, and state courts. He also provides pre-enforcement consulting services, including comprehensive training for mine managers and safety professionals. Prior to joining Dinsmore, Bob spent time as an underground coal miner, and served as a

Presidential appointee, twice confirmed by the U.S. Senate, as a member of the Federal Mine Safety and Health Review Commission. He also served as the Administrator of Legal Services for the West Virginia Office of Miners' Health Safety and Training.

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**Jared C. Bennett**  
**U.S. Dept. of Justice**  
**District of Utah**

Jared C. Bennett was born and raised in Salt Lake City, Utah. He graduated Order of the Coif from the University of Utah College of Law in 2001, earned a Certificate in Environmental and Natural Resources Law, and a Master of Public Administration from the University of Utah. From 2001-2002, Jared clerked for the Honorable Pamela T. Greenwood on the Utah Court of Appeals. In 2002, Jared was hired as an Honor's Program Attorney for the Solicitor's Office in United States Department of the Interior. In 2005, Jared became an Assistant United States Attorney for the District of Utah. He was made Civil Division Chief in August 2013. In the Civil Division, Jared deals with all types of civil cases, but he handles many public lands cases and defends land use decisions of land management agencies. Given that Utah is 65% federally owned, there is usually a great deal of public land cases to go around. To balance out the environmental destruction that results from his civil cases, Jared has also served as an environmental crimes prosecutor since 2006. As an AUSA, he also teaches trial advocacy to prosecutors in Latin America. Jared has taught in the Dominican Republic, Colombia, El Salvador, and Mexico. Since 2004, Jared has also taught at the University of Utah in the field Environmental Law, Constitutional Law, and Administrative Law.

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**Cheryl Blair-Kijewski**  
**MSH Division**  
**U.S. Department of Labor, Office of the Solicitor**

Cheryl is a member of the Appellate Practice Section in the Mine Safety and Health Division of the Solicitor of Labor's Office where she litigates appeals arising under the Federal Mine Safety and Health Act and the Miner Act, before the Federal Mine Safety and Health Review Commission, as well as the United States Courts of Appeals. Prior to joining the Division, Cheryl worked in the Black Lung and Longshore Legal Services Division of the Solicitor's Office where she litigated cases that arose under the Black Lung Benefits Act, before the Benefits Review Board and the United States Courts of Appeals. Cheryl received her Bachelors of Arts Degree in Political Science from Rutgers University in New Jersey and her Juris Doctorate Degree from Georgetown University Law Center in Washington, D.C.

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**Mary Kathryn Cobb**  
**USDOL, Office of the Solicitor**

Mary Kathryn Cobb is the Counsel for Mine Safety and Health with the Dallas Regional Solicitor's Office. As Counsel for Mine Safety and Health, she oversees all of the MSHA

litigation for the Department of Labor in a five-state region: Texas, Louisiana, Oklahoma, New Mexico and Arkansas. Before becoming counsel she served as a Senior Trial Attorney, prosecuting complex cases arising under OSHA, MSHA, FLSA and ERISA. She also serves as a senior adviser on matters pertaining to ethics and professional responsibility. She graduated from the Southern Methodist University School of Law in 1994 and began her career with the Solicitor's Office in 1995.

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**Suzanne F. Dunne**  
**MSHA Counsel**  
**USDOL, Office of the Solicitor**

Suzanne is the Counsel for Mine Safety and Health in the Chicago Regional Solicitor's Office. As Counsel for Mine Safety and Health, she oversees all of the MSHA and Black Lung litigation for the Department of Labor in a five-state region: Illinois, Indiana, Michigan, Wisconsin, and Minnesota. Before becoming counsel she served as a Trial Attorney, prosecuting complex cases arising under OSHA, MSHA, FLSA and ERISA. She has served as a Special Assistant U.S. Attorney in the prosecution of Department of Labor criminal cases. She also serves as a senior adviser on matters pertaining to OSHA civil and criminal cases. She graduated from the Baylor University School of Law in 1997 and began her career with the Solicitor's Office in the Dallas Regional Solicitor's Office in 1997.

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**Jonathan R. Ellis**  
**Steptoe & Johnson PLLC**

Jonathan Ellis is a Member at Steptoe & Johnson PLLC in Charleston, WV. He regularly represents mine operators on a variety of MSHA matters including citation contests, fatal accident investigations, pattern of violations issues, contests of flagrant violations, and 110(c) investigations. In addition, Jonathan defends coal operators and other energy clients in civil litigation against claims of wrongful death, deliberate intent, personal injury, and breach of contract.

Jonathan is a member of the West Virginia Coal Association, the Kentucky Coal Association, the Energy & Mineral Law Foundation, MENSA, and the National Mining Association. Jonathan is a graduate of the Washington and Lee University School of Law.

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**Joshua Falk**  
**MSH Division**  
**U.S. Department of Labor, Office of the Solicitor**

Josh has been the Accident Investigation Coordinator for two years and has worked in the MSH Division for the past six and a half years. Prior to coming to the MSH Division, Josh was a Judge Advocate for the United States Air Force, serving at Edwards Air Force Base, RAF Mildenhall, and the Air Force Office of Scientific Research. He also recently completed a six month detail with the Office of Personnel Management through the President's

Management Council (PMC) Interagency Rotational Program. He graduated from the University of Memphis School of Law in 2000 and the University of Washington in 1996.

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**Jerald S. Feingold**  
**MSH Division**  
**U.S. Department of Labor, Office of the Solicitor**

Jerald S. Feingold received a Bachelor of Science degree from Pennsylvania State University in 1974 and a J.D. degree from Temple University School of Law in 1977. Mr. Feingold has been an attorney with the United States Department of Labor since 1981. He practiced as a supervisory attorney in the area of Black Lung benefits law while at the Benefits Review Board for five years.

Since 1986, Mr. Feingold has engaged in appellate practice with the Office of the Solicitor, Mine Safety and Health Division, Arlington, Virginia, handling mine safety and health cases on behalf of the Mine Safety and Health Administration ("MSHA") before the Federal Mine Safety and Health Review Commission and the United States Circuit Courts of Appeals.

Since April 1998, Mr. Feingold has been a Senior Attorney within the Mine Safety and Health Division and, in addition to his appellate practice, has assumed the responsibilities of "criminal coordinator for Mine Safety and Health." In this position, he works with MSHA's Technical Compliance and Investigations Office ("TCIO"), MSHA district Special Investigations ("SI") personnel, and Assistant U.S. Attorneys nationwide to provide those services which can advance the successful prosecution of criminal cases in the federal district courts.

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**Edward M. Green**  
**Crowell & Moring LLP**

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.

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 then served as Special Assistant and Chief of Staff to the Administrator of the Mining Enforcement and Safety Administration (predecessor of MSHA). Mr. Green left government service in 1977 to join the American Mining Congress (a predecessor organization to the National Mining Association).

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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**Jason S. Grover**  
**MSH Division**  
**USDOL, Office of the Solicitor**

Jason is a Co-Counsel for Trial Litigation for the Mine Safety and Health Division of the Solicitor's Office, U.S. Department of Labor. Jason began his career with U.S. Navy Judge Advocate General's Corps in 1998. With the Navy, Jason served as a legal assistance attorney, defense counsel, appellate defense counsel, prosecutor, and staff judge advocate. Jason has also taught criminal law and procedure for Embry-Riddle Aeronautical University, Central Texas College, and the Naval Justice School. Jason graduated from Chicago-Kent College of Law and is a member of the Illinois bar.

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**The Honorable Janet G. Harner**  
**Federal Mine Safety & Health Review Commission**

Janet G. Harner was appointed as an Administrative Law Judge at the Federal Mine Safety and Health Review Commission on September 20, 2010. Prior to this, Judge Harner was an Administrative Law Judge at the Social Security Administration from 1994 to 2005, handling Medicare appeals as well as Social Security disability and other issues. Before coming to Social Security, Judge Harner was employed at the National Labor Relations Board, from 1972 to 1994, primarily in its Pittsburgh Regional Office. During her tenure with the National Labor Relations Board, Judge Harner gained extensive litigation and decision writing experience. She was promoted to supervisory and managerial positions at the Board where she was responsible for supervising attorneys in their work in agency administrative litigation, in U. S District Court and other court litigation, and in decision writing. In addition, she was given many assignments involving appellate work, nationwide litigation and policy at the Board's headquarters in Washington. Judge Harner is a graduate of the University of Pennsylvania and the University of Pittsburgh School Of Law, receiving A. B. and J. D. degrees, respectively.

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**Mark E. Heath**  
**Spilman Thomas & Battle, PLLC**

Mark E. Heath is a member of Spilman Thomas & Battle, PLLC, in the Charleston, West Virginia, office. He concentrates his practice in safety issues, litigation and labor and employment law.

His work involves both federal and state court actions, as well as administrative cases before federal and state agencies. Mr. Heath represents employers on matters pertaining to the Mine Safety and Health Administration, the Occupational Safety and Health Administration, and state safety agencies with respect to interpretations of regulatory requirements, significant citations and orders, accident investigations, special investigations, and employment discrimination issues related to safety. Mr. Heath regularly tries cases before Federal Mine Safety and Health Review Commission ALJs and before state mine safety boards in Kentucky and West Virginia.

He is listed in *The Best Lawyers in America, 19th and 20th editions*, in *Energy Law and in Chambers USA: America's Leading Lawyers for Business* for Labor & Employment. He also serves on the Board of Directors for the Kentucky Coal Association representing Associate Members.

Mr. Heath is a Trustee of the EMLF and has served as Secretary, Treasurer and a member of the Executive Committee for the Foundation and has been a frequent speaker at EMLF programs on Mine Safety Law, Annual Institutes and the fall Mineral Law Conference. He is also a member of the Occupational Safety and Health Law Committee of the American Bar Association, Section of Labor and Employment Law.

From 1987 to 1989, Mr. Heath was a Captain with the United States Army Judge Advocate General's Corps, practicing in the areas of criminal justice, administrative law and labor and employment law. Mr. Heath graduated from the University of Kentucky College of Law (J.D. 1986). He did his undergraduate work at Western Kentucky University (B.A., *cum laude*, 1983).

Mr. Heath is a member of the bars of Kentucky and West Virginia. He is admitted to practice before the Supreme Courts of West Virginia and Kentucky, various U.S. District Courts, as well as the United States Courts of Appeals for the Fourth and Sixth Circuits, and the U.S. Supreme Court.

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**Guy W. Hensley**  
**Walter Energy, Inc.**

Guy Hensley is currently Senior Counsel – Litigation for Walter Energy, Inc. He has been in-house counsel with Walter Energy for fifteen years. In that time, he has handled legal issues in most of the practice areas that are relevant to mining companies. A primary practice area has been coal mine safety and health, primarily relating to underground coal mines, including representing Walter mines before the Administrative Law Judges of the Federal Mine Safety and Health Review Commission and before the D.C. Circuit Court of Appeals.

Mr. Hensley is a member of the Alabama bar and is also a registered patent attorney.

Mr. Hensley received his J.D. from Cumberland School of Law, Samford University, and his B.S. in Systems and Control Engineering (ABET) from the University of West Florida.

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**Philip T. Inglima**  
**Crowell & Moring LLP**

Phil Inglima is a partner in Crowell & Moring's White Collar & Regulatory Enforcement Group in Washington, DC. He has litigated a broad range of criminal and civil matters in trial and appellate courts, with an emphasis on criminal frauds and parallel civil and regulatory enforcement proceedings. Phil frequently conducts internal investigations for corporations, with recent efforts focusing on the Foreign Corrupt Practices Act, the Federal False Claims Act, procurement fraud, bribery, false statements, and potential environmental crimes. He has counseled companies in the development and implementation of compliance programs, and has guided clients through regulatory reporting and disclosure processes. He also has particular experience in the defense of corporate and individual targets of mine safety investigations, including when criminal, congressional, inspector general, and agency investigations converge, as they did following mine disasters in Utah and West Virginia in recent years.

For several years, Phil has been recognized by clients and peers as a leading lawyer in *Chambers USA* in the areas of Litigation and White Collar Crime & Government Investigations, and both *Super Lawyers* and *The Best Lawyers In America* have repeatedly rated him as a leading lawyer in White Collar Criminal Defense.

Prior to joining Crowell & Moring, Phil's extensive white collar experience included nearly two years of service as a Senior Associate Independent Counsel in the investigation of then-Secretary of the Interior Bruce Babbitt. On that probe, Phil led a team examining allegations of perjury, bribery, improper influence peddling and campaign finance fraud involving national political organizations and numerous high legislative and executive offices. He also has served as an adjunct professor at his alma mater, Georgetown Law Center, teaching a course in Federal White Collar Crime. Phil began his career as law clerk to the Honorable June L. Green of the U.S. District Court for the District of Columbia.

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**Melanie J. Kilpatrick**  
**Rajkovich, Williams, Kilpatrick & True, PLLC**

Melanie Kilpatrick is a partner in the law firm of Rajkovich, Williams, Kilpatrick & True, PLLC in Lexington, Kentucky. She practices in the areas of mineral and energy, employment law, and commercial litigation. She has authored articles and given presentations on topics of interest in the mineral and energy and employment law fields. She is experienced in arguing appellate cases before the United States Court of Appeals, the Kentucky Court of Appeals and the Federal Mine Safety and Health Review Commission. Ms. Kilpatrick has been admitted to practice before the Kentucky Supreme Court, the United States District Court for the Eastern and Western Districts of Kentucky, and the United States Court of Appeals for the Fifth, Sixth and D.C. Circuits.

Ms. Kilpatrick serves on the Board of Directors for the Thomas D. Clark Foundation, Central Kentucky Radio Eye, Inc., and the Kentucky Coal Association. She is a member of the Fayette County, Kentucky, Federal and American Bar Associations. Ms. Kilpatrick serves on the Board of Trustees and on the Scholarship Committee of the Energy & Mineral Law Foundation. She has been recognized in the listing of *Kentucky Super Lawyers* from 2012-2014.

Ms. Kilpatrick was Articles Editor (1995-96) and a Staff Member (1994-95) for the *Kentucky Law Journal*. She served as law clerk to the Honorable Eugene E. Siler, Jr. on the United States Sixth Circuit Court of Appeals from 1996-97. Ms. Kilpatrick received her B.A. degree with High Honors in 1992 from the University of Virginia and her J.D. degree (valedictorian) from the University of Kentucky in 1996.

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**Jeffery L. Kohler, Ph.D.**

**National Institute for Occupational Safety and Health  
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Dr. Jeffery Kohler is the Associate Director for Mining, and Director, Office of Mine Safety and Health Research, National Institute for Occupational Safety and Health. He is responsible for leading the Institute's research portfolio in mining safety and health. The work of his staff across all areas of mining safety and health is well known internationally for bringing timely and practical solutions to complex problems. Over a career spanning 40 years, Dr. Kohler has worked in the mining industry, on the faculty at Penn State, and most recently for the federal government. In addition to his program leadership and administrative responsibilities, Dr. Kohler continues to conduct a modest amount of research and contributes technically to contemporary policy-science questions. He has authored more than 150 book chapters, peer-reviewed articles, reports, and conference papers, and has served on various national and international commissions. Dr. Kohler holds a B.S. in Engineering-Science, and M.S., and Ph.D. degrees in Mining Engineering from the Pennsylvania State University.

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**The Honorable Robert J. Lesnick**

**Federal Mine Safety and Health Review Commission**

Judge Robert J. Lesnick has served as the Chief Judge of the Federal Mine Safety and Health Review Commission since August 25, 2003.

Judge Lesnick was born in Uniontown, Pennsylvania, raised in Edenborn, and graduated from All Saints School and Kolb Memorial High School in Masontown, Pennsylvania. He earned a B.A. in economics from St. Vincent College in Latrobe, graduating *summa cum laude* in 1974. He received his juris doctorate from the University of Virginia School of Law in 1977.

Judge Lesnick began private law practice as a corporate tax attorney with the firm of Smith, Gill, Fisher & Butts in Kansas City, Missouri, representing such clients as H & R Block and Universal Press Syndicate. Beginning his Federal service in 1979, he served with the Department of Labor Office of the Solicitor, in Kansas City, Denver, and Washington, D.C., representing the Department on various issues including discrimination, labor, and mine safety and health matters. From 1990-94 he was a Special Trial Counsel with the Treasury Department during the Savings and Loan Crisis. His Special Trial Team was responsible for enforcement actions taken by the OTS against officers, directors, accountants, and attorneys associated with Lincoln Saving and Loan Association, the largest thrift failure in history.

Judge Lesnick was first appointed as a United States Administrative Law Judge in 1994. He served for four years as chief Judge of the Pittsburgh Hearing Office for the Social Security

Administration, the largest hearing office in the United States. From 1999 to 2003 he served with the U.S. Department of Labor's Pittsburgh, Pennsylvania, hearing office.

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**Charlie Lord**  
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Charlie is a trial and appellate attorney with the Mine Safety and Health Division in Arlington, Virginia. After graduating from Georgetown Law Center in 2005, Charlie was a public defender in Florida and New York. Charlie joined the Solicitor's office in 2008 as a trial attorney in the Arlington regional office.

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**Alexander Macia**  
**Spilman Thomas & Battle, PLLC**

Alexander Macia is a member of Spilman Thomas & Battle, PLLC in Charleston, West Virginia, and practices in the Government Relations and Litigation departments. Mr. Macia earned a B.A. degree, *summa cum laude*, from West Virginia University and a J.D., with honors, from the George Washington University Law School. Prior to joining Spilman Thomas & Battle, Mr. Macia served first as General Counsel, then Chief of Staff to West Virginia Governor Bob Wise. In that capacity, Mr. Macia drafted mine safety and trucking safety and regulation legislation. In his government relations practice, Mr. Macia concentrates on administrative practice before state agencies and lobbying the West Virginia state legislature on a variety of issues, including healthcare, energy, consumer finance, and insurance. Mr. Macia's litigation practice focuses on representing employers in deliberate intent, personal injury, and employment cases, as well as representation of mine operators in special investigations and litigation before the Federal Mine Safety and Health Review Commission. Mr. Macia is licensed in West Virginia and is the President-elect of the West Virginia Bar Association.

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**Joseph A. Main**  
**Assistant Secretary of Labor for Mine Safety and Health**  
**United States Department of Labor**

Joseph A. (Joe) Main was nominated by President Barack Obama as Assistant Secretary of Labor for Mine Safety and Health (MSHA). He was confirmed by the Senate on October 21, 2009.

Mr. Main is an internationally-recognized expert in mine health and safety issues. For more than 40 years, he has worked to improve every aspect of miner health and safety, both in the United States and internationally.

Born in Waynesburg, Pa., Mr. Main is a native of Greene County, Pa. He began working at coal mines in 1967 and quickly became an advocate for miners' safety and health.

He was hired by the United Mine Workers of America (UMWA) in 1974 to be an Assistant to the International President. In 1976, he joined the Safety Division of the UMWA, serving as Safety Inspector, Administrative Assistant and Deputy Director.

In 1982 he was appointed Administrator of the UMWA Occupational Health and Safety Department, a position he held for 22 years. In that position, Mr. Main managed the international health and safety program of the UMWA. He has served on a number of federal advisory committees, joint labor/management committees, mining industry partnerships and international tripartite committees relating to mine safety.

Mr. Main has extensive hands-on experience inspecting and evaluating mining conditions, plans and systems and has been involved in a number of mine emergencies and accident investigations. Before he accepted President Obama's nomination, Mr. Main worked as a mine safety consultant. His recent work focused on research and analysis on prevention of mine accidents and disasters, development of training programs and facilities to prepare miners, rescue teams and emergency responders for mine emergencies, and international mine safety issues.

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### **The Honorable Thomas Patrick McCarthy Federal Mine Safety and Health Review Commission**

Thomas Patrick McCarthy is an Administrative Law Judge (ALJ) with the Federal Mine Safety and Health Review Commission (FMSHRC) in Washington, D.C. FMSHRC is an independent adjudicative agency that provides administrative trial and appellate review of legal disputes arising under the Federal Mine Safety and Health Amendments Act of 1977 (Mine Act), as amended by the Mine Improvement and New Emergency Response Act of 2006 (MINER Act). Judge McCarthy adjudicates cases at the trial level on a nationwide basis. Primarily, such cases concern alleged violations of mandatory safety and health regulations; the appropriateness of proposed, civil penalties; discrimination and temporary reinstatement issues involving miners allegedly retaliated against for protected activity; mine closure orders; compensation cases involving idled mines; and Equal Access to Justice Act issues.

From February 2008 until May 2010, Judge McCarthy served as Supervisory Administrative Law Judge (SALJ) with the United States Department of Health and Human Services, Office of Medicare Hearings and Appeals (OMHA) in Miami, Florida, with periodic detail to Arlington, Virginia. He conducted adjudicatory hearings and issued decisions on Level III administrative appeals involving issues under Medicare Parts A, B, C, and D, while managing an ALJ team of two attorneys, one paralegal, and one hearing clerk.

Before his judicial appointment, Judge McCarthy enjoyed an extensive, 23-year career with the National Labor Relations Board (NLRB) in Washington, D.C. and Baltimore, Maryland. As Senior Trial Specialist with Region 5, he litigated numerous unfair labor practice cases, conducted representation-case hearings and elections, and investigated cases. He also served as Senior Counsel for about a dozen NLRB Members, worked in the Office of Unfair Labor Practice Appeals, and detailed to the Contempt Litigation and Compliance Branch, the Special Litigation Branch, and the Office of Representation Appeals. From 1991 to 1992, he was an associate in private practice handling employment litigation matters in federal and state court.

Judge McCarthy is the President Elect of the Federal Administrative Law Judges Conference (FALJC). Prior to becoming an ALJ, Judge McCarthy was an active member of the D.C., New York, and American Bar Associations and their Labor and Employment Law Sections. He is a past Outreach Coordinator for the D.C. Labor and Employment Law Section and past chair of the Private Sector-Labor Relations Committee. He is certified by the National Alliance for Education in Dispute Resolution as an employment law mediator, and has taken numerous courses in Workplace Mediation and Conflict Resolution through Northern Virginia Mediation Services. He served as past President, Program Chair, Membership Chair and Counselor of the Prettyman-Leventhal American Inn of Court on Administrative Law, and has been a contributing editor of the Developing Labor Law, Chapter 25 and Fourth Edition Supplements, and the Public Employment Chapter of the D.C. Bar Practice Manual. He taught Labor Law as guest lecturer at the University of Baltimore School of Law and Dundalk Community College.

Judge McCarthy holds a Masters of Law in Labor and Employment Law from Georgetown University Law School and a Juris Doctorate from the State University of New York at Buffalo, where he served as Publications Editor for the Buffalo Law Review. He completed his first year of law school at Pepperdine University School of Law before transferring back to New York. He is an avid tennis player, runner, and exercise enthusiast, enjoys bridge and poker, and resides in National Harbor, Maryland with his wife Trish and their Snowshoe Squeeks.

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**Michael O. McKown**  
**Murray Energy Corporation**

Michael O. McKown serves as Senior Vice President, Law and Administration for Murray Energy Corporation, a large, privately held coal company with operations in West Virginia, Ohio, Utah, Illinois and Kentucky. He has been the chief legal officer at Murray for over fifteen years. A graduate of the University of Akron School Of Law, Mr. McKown served for four years as a captain in the U.S. Army Judge Advocates General's Corps, including three years as a defense counsel in Frankfurt, West Germany. After leaving the army, he joined the legal department at Peabody Coal Company, where he specialized in mine safety and health, labor and human resources issues. He joined Arch Mineral Corporation in 1990, and was Vice President of Human Resources. Just prior to joining the Murray organization, Mr. McKown was in private practice in St. Louis, Missouri. He also serves as a trustee of the UMWA Health and Retirement Funds.

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**The Honorable Margaret Miller**  
**Federal Mine Safety and Health Review Commission**

Margaret Miller is an Administrative Law Judge with the Federal Mine Safety and Health Review Commission in Denver, Colorado. Judge Miller is a graduate of the University of Colorado School of Law and has practiced labor and employment law, emphasizing worker safety and health, for more than 30 years. She has been with the Commission since May 2009.

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**R. Henry Moore  
Jackson Kelly PLLC**

R. Henry (“Hank”) Moore is a Member of Jackson Kelly PLLC and is resident in the firm’s Pittsburgh, Pennsylvania office.

Mr. Moore is a member of Jackson Kelly’s wide Occupational Safety and Health Practice Group. His practice is primarily concentrated in the areas of compliance counseling, litigation of civil and criminal enforcement matters, accident investigation and discrimination claims under both state and federal statutory provisions. His career in occupational safety and health law commenced in 1978, and he has counseled clients in a variety of industries including coal mining, metal and nonmetal mining, stone, sand and gravel operations. In addition, his practice extends to labor and employment issues, including representing employers in investigations by the U.S. Department of Labor and in litigation under the various federal whistleblower statutes.

Mr. Moore was a member of the lead defense team and successfully represented several corporate and individual clients in nationwide dust sampling fraud litigation under the Federal Mine Safety and Health Act of 1977. He has represented clients subject to criminal investigation and prosecution under the Federal Mine Safety and Health Act, including the falsification of training records and tampering with respirable coal mine dust samples. He has represented mine operators in cases involving mine explosions which resulted in multiple fatalities in proceedings up through appeals to the United States Court of Appeals. On a number of occasions, he has been involved at the mine site immediately after an explosion to counsel the operator through the initial phases of rescue and recovery. He has represented mine operators in other cases up through the United States Court of Appeals involving issues of coal mine ventilation, mine safety discrimination and liability for contractor violations.

Mr. Moore is a 1976 graduate of the Dickinson School of Law and a 1972 graduate of Dartmouth College. He is admitted to practice before the Pennsylvania Supreme Court, the U.S. District Court for the Western District of Pennsylvania and the U.S. Courts of Appeals for the Third, Fourth, Sixth, Seventh, Ninth and District of Columbia Circuits.

Mr. Moore is a Trustee of the Energy & Mineral Law Foundation, a Director of the Pittsburgh Coal Mining Institute of America, and a member of the Occupational Safety and Health Law Committee of the American Bar Association. He has been selected by his peers for inclusion in *The Best Lawyers in America*<sup>®</sup> from 2009-2011.

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**The Honorable Alan G. Paez  
Federal Mine Safety and Health Review Commission**

Alan G. Paez is an administrative law judge with the Federal Mine Safety and Health Review Commission in Washington, D.C. He received his Bachelor of Science degree in Industrial & Labor Relations from Cornell University in Ithaca, New York, and his Juris Doctor degree from Georgetown University Law Center in Washington, D.C.

Judge Paez has spent his legal career practicing labor law with a focus on worker safety and health. Beginning in 1991, he worked for over 14 years in the Office of the Solicitor at the

U.S. Department of Labor in various positions as an appellate attorney, trial litigator, attorney-advisor, and Assistant Counsel, earning six Secretary's Exceptional Achievement Awards. During his tenure, he litigated cases under various statutes, including Title IV of the Federal Coal Mine Health and Safety Act of 1969 and the Federal Mine Safety and Health Act of 1977. Judge Paez subsequently worked as Supervisory Counsel at the Occupational Safety and Health Review Commission for two and a half years, managing the staff in the Office of the General Counsel and earning two Chairman's Special Act Awards. In 2008 he was appointed an administrative law judge with the Social Security Administration in Milwaukee, Wisconsin. He has served as a Commission Judge since July 2009 and has been Lead Judge of the Commission's satellite office in downtown Washington, D.C., since January 2011.

Judge Paez is admitted to practice law in Connecticut, the District of Columbia, and Oregon. He is a member of both the Federal Administrative Law Judges Conference and the Judicial Division of the American Bar Association and was previously a member of the Association of Administrative Law Judges. He currently serves as President of the Forum of United States Administrative Law Judges.

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**Christopher D. Pence  
Hardy Pence PLLC**

Christopher D. Pence is an attorney with Hardy Pence PLLC in Charleston, West Virginia. Mr. Pence represents operators and individuals throughout the United States in litigation pending before the Federal Mine Safety and Health Review Commission and the various state equivalents. Together with other members of his Firm, Mr. Pence has significant experience representing clients in serious accident investigations as well as civil and criminal investigations conducted pursuant to the Mine Act. He also maintains a general civil litigation practice where he represents operators, individuals, and other companies in a broad range of matters pending before West Virginia State and Federal Courts.

Mr. Pence graduated from Marshall University and the West Virginia University College of Law, *Order of the Coif*. He has served as a speaker at the Pennsylvania Coal Alliance/Pennsylvania Coal Mining Institute of America Conference, the West Virginia Coal Association, and various legal seminars. In addition to the West Virginia Coal Association and Energy & Mineral Law Foundation, Mr. Pence is a Member of the Defense Trial Counsel of West Virginia, and is Immediate Past President of the Kanawha County Bar Association.

Mr. Pence is licensed to practice in West Virginia, the United States District Court for the Southern District of West Virginia and the United States Court of Appeals for the Fourth, Seventh, and District of Columbia Circuits.

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**Christopher G. Peterson  
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Christopher G. Peterson is a Member of Jackson Kelly PLLC, resident in the Denver, Colorado, office where he is a part of the Occupational Safety and Health Practice Group. Mr. Peterson represents the mining and general industries in a variety of matters under the

Federal Mine Safety and Health and Occupational Safety and Health Acts including representing companies in special investigations, discrimination complaint investigations and whistleblower investigations. Mr. Peterson earned his Juris Doctor degree from the University of Colorado at Boulder School of Law in 2004.

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**Jeffrey K. Phillips**  
**Steptoe & Johnson PLLC**

Jeff Phillips joined Steptoe & Johnson in 1991. After working in the firm's Charleston, West Virginia, office for 18 years, Jeff moved to Kentucky where he became the managing member of Steptoe's Lexington office. Jeff balances a civil litigation case load and an MSHA practice. He has tried cases to verdict for over 20 years in federal and state courtrooms in West Virginia and Kentucky.

Jeff is the current leader of Steptoe's MSHA team. The team assists clients with accident investigations, discrimination complaints, contests of enforcement actions, and other interactions with government investigators and inspectors.

After graduating from Point Park University with a business management degree, Jeff attended the University of Pittsburgh earning his juris doctorate.

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**Randy Ramseyer**  
**Assistant United States Attorney**  
**U.S. Attorney's Office for the Western District of Virginia**

Randy joined the United States Attorney's Office in 1992 after completing a judicial clerkship with the Honorable H. Emory Widener, Jr., of the United States Court of Appeals for the Fourth Circuit. He received his J.D. from the Vanderbilt University School of Law and his B.A. from Wilmington College.

Randy has prosecuted coal operators, MSHA inspectors, and others involved in the coal industry for various crimes including falsification of pre-shift and on-shift examination records, falsification of training records, falsification of inspection reports, willful violations of the Mine Act, and tax evasion. As one of just three Assistant U.S. Attorneys resident in a branch office in Southwest Virginia, by necessity, he has prosecuted violations of a wide variety of federal laws.

His recent cases involving regulated industries include:

*U.S. v. J.D. "Dot" McReynolds, et al. (2014)* – conviction of over twenty defendants for conspiring to defraud the Internal Revenue Service by using fake mine supply invoices to disguise the withdrawal of cash from coal mining companies, resulting in millions of dollars in forfeitures;

*U.S. v. Abbott Laboratories (2012)* – conviction of manufacturer of the pharmaceutical drug Depakote® for illegal marketing, resulting in criminal and civil payments of over \$1.5 billion;

*U.S. v. Robert Clear Coal Corporation, et al. (2009)* – conviction of superintendent and coal mining corporation for the superintendent’s false certification that he had conducted an adequate inspection when, in fact, he had not, resulting in criminal penalties of \$115,000 (there were no injuries in the case); and

*U.S. v. CLP, Inc. (2009)* – conviction of owner and cigarette manufacturer for escrow and excise tax fraud totaling over \$1.7 million; and

*U.S. v. The Purdue Frederick Company (2007)* – conviction of top three executives and manufacturer of the pharmaceutical drug OxyContin® for illegal marketing, resulting in criminal and civil payments of over \$600 million.

Randy is a recipient of the Director’s Award presented by the Executive Office for U.S. Attorneys. In his spare time, he officiates high school and college sports.

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**Robin A. Rosenbluth**  
**MSH Division**  
**USDOL, Office of the Solicitor**

Robin is currently a senior attorney in SOL’s Mine Safety and Health Division where she represents the Secretary of Labor in appellate matters arising under the Federal Mine Safety and Health Act of 1977 before the United States Courts of Appeal and the Federal Mine Safety and Health Review Commission. Before joining the MSH division, Robin was a trial attorney in SOL’s Plan Benefits Security Division where she was lead counsel representing the Secretary of Labor in major financial litigation in federal courts enforcing the Employee Retirement Income Security Act of 1974. Before joining SOL, Robin worked as a prosecutor for the District of Columbia where she prosecuted juveniles in the District of Columbia for all criminal offenses. Robin has also worked as an attorney advisor at the Commodity Futures Trading Commission. Robin clerked for the Honorable Stephen F. Eilperin in the Superior Court of the District of Columbia. Robin received her J.D. with honors from Georgetown University Law School and graduated from Cornell University.

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**Wesley Shumaker, P.E.**  
**U.S. Dept. of Labor, MSHA**

Wesley graduated from Carnegie Mellon University, Pittsburgh, Pennsylvania, with a degree in Mechanical Engineering. After graduation he worked for Hall Industries, Inc., a small engineering and manufacturing company, managing engineering projects and designing custom engineered solutions for customers in a variety of industries.

Wesley joined MSHA in 2004 and is now Chief of the Applied Engineering Division located at MSHA’s Approval and Certification Center in Triadelphia, West Virginia. The Applied Engineering Division is responsible for reviewing all approval applications related to complete Refuge Alternatives and Refuge Alternative components.

Wesley is a licensed professional engineer in the state of Pennsylvania.

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**M. Patricia Smith**  
**Solicitor of Labor**  
**USDOL, Office of the Solicitor**

M. Patricia Smith was confirmed by the Senate as the Solicitor of Labor on February 4, 2010, and assumed her duties on March 1, 2010. Prior to becoming the Solicitor of Labor, Ms. Smith was the New York State Commissioner of Labor since March 6, 2007.

Prior to serving as Commissioner of Labor, she served as Chief of the Labor Bureau in the Office of the New York State Attorney General for eight years. In that position, she developed a system of active government labor law enforcement that became a model for other Attorneys General and enforcement agencies.

For 11 years, Solicitor Smith served as Deputy Bureau Chief and Section Chief of the Labor Bureau, conducting and overseeing all aspects of labor law litigation involving New York State, in state and federal trial and appellate courts. In 1996 and 1997 she argued and won two Employment Retirement Income Security Act cases before the United States Supreme Court.

Before joining the Office of the Attorney General, Solicitor Smith worked for various Legal Services Organizations representing unemployment claimants, minimum wage workers, workers in federal job training programs and job seekers.

She graduated, *cum laude*, from Trinity College in Washington, D.C. in 1974 and from New York University School of Law, with honors, in 1977.

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**Noelle Holladay True**  
**Rajkovich, Williams, Kilpatrick & True, PLLC**

Noelle Holladay True is a native of Lexington, Kentucky. She is licensed to practice in Kentucky, and is admitted before the United States District Court for the Eastern District of Kentucky and the United States Court of Appeals for the District of Columbia Circuit. She received her B.S. degree with Honors in Finance from Indiana University in 1997, and graduated *Order of the Coif* in 2000 from the University of Kentucky College of Law.

Noelle practices in the areas of mine safety and health, employment law, and commercial litigation. Her primary focus area is Mine Safety and Health Administration work. She represents coal companies around the country in litigation matters before the Federal Mine Safety and Health Review Commission, and locally before the Kentucky Mine Safety Review Commission. Noelle represents and advises mine operators during special investigations conducted by the Mine Safety and Health Administration in cases involving accidents, fatalities, and claims of discrimination, and also advises operators on other compliance issues involving federal and state agencies.

Noelle is a member of the Fayette County, Kentucky and American Bar Associations, as well as the Energy & Mineral Law Foundation, the Kentucky Coal Association, Coal Operators & Associates, and the Fayette County Bar's Women Lawyers Association. She was a recipient of the 2004 Lexington Young Professionals Association's "Rising Star Award." In law school, Noelle was an Associate Editor for the *Kentucky Law Journal*, in which she authored an

article entitled "The Limited Fiduciary Duties Owed by Corporate Managers to Preferred Shareholders: A Need for Change." She now serves on the Board of Directors, and as President-Elect, for the University of Kentucky College of Law Alumni Association, and also serves as Chair of the Steering Committee for the Southern Hills Early Childhood Program in Lexington. In the past, she has served on the Board of Directors (and as Treasurer) for the New Opportunity School for Women in Berea, Kentucky, on the Finance Committee for Southern Hills United Methodist Church, and on the Board of Directors for the Friends of Raven Run in Lexington. Noelle frequently makes presentations on topics of interest in the area of coal mine safety and health at various seminars throughout the country.

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**Stephen Turow**  
**USDOL, Office of the Solicitor**  
**Division of Mine Safety and Health**

Steve joined the Chicago Regional Solicitor's Office in February 1991 and focused primarily on OSHA and FLSA litigation. Clinging desperately to the coattails of his talented spouse, he moved to Washington, D.C., in June 1992 and joined the MSH Division where he practiced in the Trials and Appellate groups until the end of 1999. At that time, Steve joined the OSH Division as a member of the trial litigation group, advising OSHA on policy issues and litigating before the OSHRC. In late 2006, Steve transferred back to the MSH Division and has practiced in the Trials and Regulations groups since that time. Prior to joining the Solicitor's Office, Steve was a commercial litigator with a law firm in Chicago and clerked for Chief Judge Harold A. Baker of the United States District Court for the Central District of Illinois. Steve holds a B.A. from the University of Wisconsin and a J.D. from the University of Illinois.

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**Edward Waldman**  
**USDOL, Office of the Solicitor**  
**Division of Mine Safety and Health**

Ed is a member of the appellate practice section in the Mine Safety and Health Division of the Solicitor of Labor's Office at the U.S. Department of Labor. He litigates appeals arising under the Federal Mine Safety and Health Act before the Federal Mine Safety and Health Review Commission and the U.S. Courts of Appeals. Prior to joining the Division in 2008, Ed served for two years in the Solicitor's Management and Administrative Legal Services Division, where he litigated FOIA and Privacy Act cases in federal district courts, coordinated the Department of Labor's responses to third-party subpoenas nationwide, and served as Acting Counsel for Appropriations.

From 2002-2006, Ed served as the Counsel for Enforcement in the Solicitor's Black Lung & Longshore Legal Services Division, where his practice focused on debt collection and bankruptcy. For the twelve years preceding that, Ed litigated appeals arising under the Black Lung Benefits Act before the Benefits Review Board and the U.S. Courts of Appeals. Ed also served as an attorney-advisor and subsequently as a Deputy Assistant Chief Counsel at the Benefits Review Board from 1987-1990. Ed began his legal career in 1985 with a small plaintiffs' asbestos litigation firm in New York City, where his practice focused on workers' compensation.

Ed is a member of the Solicitor's Bankruptcy Committee, and has served on the Solicitor's E-Government Committee, Communications Committee, and Inability-to-Pay Committee. He has a B.A. in English from the State University of New York at Binghamton, and a J.D. from the Boston University School of Law. He is a member of the New York State bar.

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**Douglas N. White**  
**Associate Regional Solicitor**  
**USDOL, Office of the Solicitor**

Doug is the Associate Regional Solicitor for the United States Department of Labor in Arlington, Virginia, where he supervises trial litigation arising under statutes enforced by the Department of Labor in West Virginia, Virginia, Maryland, and the District of Columbia. He also advises the Department's client agencies on matters arising in the various enforcement activities that are conducted in those jurisdictions. He has been an attorney with the Office of the Solicitor for more than 35 years, and he has both trial and appellate court experience.

Prior to his current position, Doug was a supervisory trial attorney in the Division of Mine Safety and Health, a component of the Solicitor's Office in Washington, D.C. He also was a supervisory attorney in the Philadelphia Regional Solicitor's Office, where he was responsible for directing litigation related to employment discrimination, minimum wage, overtime, and child labor violations. In addition to his supervisory experience, Doug has worked as a trial attorney in the Department of Labor's national and regional offices, where he tried cases in federal district courts and before administrative law judges. He has litigated cases under a wide range of statutes, including the Mine Safety and Health Act, the Occupational Safety and Health Act, the Labor-Management Reporting and Disclosure Act, the Fair Labor Standards Act, the Age Discrimination in Employment Act, and the Equal Pay Act.

Doug resides in Fairfax, Virginia. He has been admitted to the bar in the District of Columbia, Maryland, and Pennsylvania. He received his undergraduate degree from Bucknell University and his law degree from the Washington College of Law at American University.

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**John M. Williams**  
**Rajkovich, Williams, Kilpatrick & True, PLLC**

John M. Williams is a native of Loyall in Harlan County, Kentucky. John graduated from the University of Kentucky College of Business & Economics with a Bachelors of Business Administration (Finance) in 1984 and received his Juris Doctor from the University of Kentucky College of Law in 1987. He is a member of the Kentucky, Fayette County, American and Federal Bar Associations. He has held several officer positions with the Kentucky Chapter of the Federal Bar Association, including President. John has an "AV<sup>®</sup> Preeminent<sup>™</sup>" rating by Martindale Hubbell

John represents numerous coal companies in mine safety matters before the Federal Mine Safety and Health Review Commission. He regularly represents operators in special investigations conducted by the Mine Safety and Health Administration and also advises these clients on compliance matters. He is also a frequent speaker on mine safety matters.

John has also extensive litigation experience in federal and state courts throughout Kentucky. Although his practice is primarily in mineral and energy and commercial litigation, John has experience in personal injury, construction claims, architect and engineer defense and collection matters. His experience in mineral law includes drafting and reviewing lease agreements, contract mining agreements and other transactions plus litigation of contract disputes, boundary disputes and personal injury matters. In the commercial litigation area, John has represented parties in business torts, lender liability and a wide variety of contract disputes.

John serves on the Board of Directors of Special Olympics Kentucky, Inc., and served as its Board Chair for two years. He was also on the Board of the Lexington Children's Museum, Inc, for almost ten years, during which he served as Board Chair for five years. John is a volunteer counselor for the Kentucky Bar Association Lawyers Assistance Program.

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**Michelle Carter Williams**  
**Federal Mine Safety and Health Review Commission**  
**Office of Administrative Law Judges**

Michelle Carter Williams is the Hearing Office Director in the Office of Administrative Law Judges at the Federal Mine Safety and Health Review Commission. As such, she oversees administrative matters on behalf of the Chief Judge, implements and monitors Commission docketing procedures, and supervises attorneys and staff in the Commission's District of Columbia, Pittsburgh, and Denver offices. Prior to serving in this role, she was Attorney-Advisor to former Chief ALJ David F. Barbour and current Chief ALJ Robert J. Lesnick.

Michelle received her undergraduate degree from Howard University and her law degree from Howard University School of Law. She is admitted to the New York State Bar.

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**Timothy Williams**  
**USDOL, Office of the Solicitor**

Timothy S. Williams serves as Counsel for Safety and Health in the Denver office. He oversees the office's MSHA, OSHA and black lung litigation. Tim served as a Senior Trial Attorney for several years prior to becoming Counsel. Working primarily in the MSHA area, he served on the MSHA teams investigating the Sago and Crandall Canyon mine disasters, and tried numerous cases including the Quecreek mine inundation case. He also served as an appellate attorney in the Black Lung Benefits Division. Prior to joining SOL he was in private practice specializing in employment law. Tim is a graduate of the University of Cincinnati College of Law. He is an author of several Chapters in *Litigating Wrongful Discharge Claims*, Tobias, Ed., West Pub. Co.

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**Christopher W. Wittenauer**  
**Peabody Energy Corporation**

Chris joined Peabody in 2010 as Senior Counsel. Chris' responsibilities include providing strategic and tactical guidance on operational matters for Peabody's Americas region. Chris is also responsible for MSHA litigation for all of Peabody's U.S. mines.

Chris' legal career includes serving as in-house counsel for Emerson Process Management and as an attorney with the St. Louis law firms of Paule, Camazine & Blumenthal, P.C. and Greensfelder, Hemker and Gale P.C. Prior to and during law school, Chris practiced as a Certified Public Accountant with KPMG, LLP.

Chris received his B.S. in accounting from Truman State University (1992) and his J.D. from St. Louis University (2000). He is licensed to practice law in Missouri and Illinois and is a member of the Association of Corporate Counsel, Missouri Bar Association and the Illinois State Bar Association.

Chris is the Board Chairman for Easter Seals Midwest having served as a board member since 2007.

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**Daniel W. Wolff**  
**Crowell & Moring LLP**

Dan Wolff is a partner in Crowell & Moring's Environment and Natural Resources Group in Washington, D.C. Dan counsels clients on a host of federal regulatory programs, including in particular the Federal Mine Safety and Health Act of 1977 ("Mine Act"). Among other things, he represents his mining clients in government investigations of workplace accidents, fatalities, supervisor liability, whistleblower complaints, and on responding to requests for company records. Dan regularly appears in federal district and appellate courts around the country and before the Federal Mine Safety and Health Review Commission. He has argued in multiple federal courts of appeals on behalf of mine operators and other interested parties in enforcement matters brought under the Mine Act, and represented mining industry trade associations in appellate challenges to MSHA rulemakings.

Dan is on the Executive Committee of the Energy & Mineral Law Foundation, a member of the Rocky Mountain Mineral Law Foundation, and a member of the ABA and its Sections on Administrative Law & Regulatory Practice, Labor and Employment and its Safety and Health subcommittee, and Environment, Energy and Resources. He is admitted to practice in Ohio, the District of Columbia, and numerous federal courts, including the U.S. Supreme Court.

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**Mary Beth Zamer**  
**USDOL, Office of the Solicitor**

MaryBeth is currently the Mine Safety and Health Counsel in the Nashville Solicitor's Office, where she's been practicing since 1991. She works closely with MSHA Coal Districts 6, 7,

10, and 11, as well as the Southeast M/NM District. Prior to joining the Solicitor's Office, she had the honor of serving as the judicial clerk for The Honorable Joseph S. Casula in her home state of Maryland. She graduated with honors from the University of Baltimore School of Law and is a fan of both the Orioles and that D.C. football team that won't change its politically incorrect name.

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