

26th Annual Energy & Mineral  
Law Institute  
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## About the speakers . . .

### **Stephen G. Allen**

Steve Allen is an attorney with Stites & Harbison, PLLC in its Lexington, Kentucky office. Stephen is also a licensed professional engineer in Kentucky and Pennsylvania. Stephen has more than 20 years combined experience in the operations and environmental impact of coal mining in Appalachia. Stephen's practice is focused on the legal and environmental aspects of coal mining, including mineral property transactions, environmental compliance and reclamation surety bonds. Stephen has extensive administrative trial experience in mining related cases and has practiced before numerous administrative tribunals including the Department of Interior's Board of Land Appeals, the Pennsylvania Environmental Hearing Board, the Kansas Department of Health & Environment, the Indiana Natural Resources Commission, the West Virginia Surface Mining Board and the Kentucky Environmental and Public Protection Cabinet. Stephen also counsels clients on environmentally sensitive business transactions.

Stephen received his B.S. degree in Mining Engineering from the University of Kentucky College of Engineering in 1980 and his J.D. degree, with distinction, from the University of Kentucky College of Law in 1989. He is a two-time recipient of the Surface Mining Control & Reclamation Act Title III Research Fellowship (1980 and 1989). He is a member of the Order of the Coif and was Managing Editor of the *Journal of Mineral Law & Policy* in 1988-89. He is a past recipient of an Energy & Mineral Law Foundation Scholarship and Writing Award (1988-89).

Stephen is a member of the American, Kentucky, Fayette County and Philadelphia Bar Associations. As a member of the Kentucky Bar Association, he is currently the Vice Chairman of the Natural Resources Law Section for 2004-2005. He is also a member of the Society for Mining, Metallurgy and Exploration (SME), the National Society of Professional Engineers (NSPE), the Kentucky Society of Professional Engineers (KSPE), and a member of that Association's Professional Engineers in Mining (PEM) Section. He is admitted to practice before the United States Courts of Appeals for the Third and Sixth Circuits, the United States District Courts for the Eastern and Western Districts of Kentucky and the Eastern District of Pennsylvania, and the Supreme Courts of Kentucky and Pennsylvania.

### **Professor Rob E. Atkinson, Jr.**

J.D., Yale University, 1982  
B.A., Washington and Lee University, 1979

Recognized for his publications addressing the intersection of law and literature, Professor Atkinson is one of the country's leading scholars on legal professionalism and a noted scholar on the law of nonprofit organizations. He teaches Property, Professional Responsibility, Legal Ethics, and Law and Literature, and has also taught Taxation of Nonprofit Organizations. Recipient of the 2001 Professionalism Award from the Florida Supreme Court's Commission on Professionalism, Professor Atkinson served as a Visiting Professor at Cornell Law School in Spring 2002. Before entering law teaching, Professor Atkinson was associated with the firm of Sutherland, Asbill & Brennan in Washington, D.C. and clerked for the U.S. Court of Appeals for the Fourth Circuit.

**Nicolle S. Snyder Bagnell**

Nicolle R. Snyder Bagnell is an Associate in the Pittsburgh Office of Reed Smith LLP. She is a member of the Environmental Group and the firm's Energy and Natural Resources Practice.

Ms. Bagnell received her A.B. in Environmental Science and Public Policy, cum laude, from Harvard University in 1998. She received her M.A. in Environmental Science from the Nicholas School of the Environment at Duke University and her J.D. from Duke University School of Law in 2001. While at Duke, Ms. Bagnell was the Business and Executive Editor of the Duke Environmental Law and Policy Forum. While at Reed Smith, Ms. Bagnell has had experience representing energy clients in various matters including pipeline condemnations, encroachment cases, and various contract cases as well as counseling clients on a variety of environmental matters.

**M. Ann Bradley**

Ann Bradley is a member with Spilman Thomas & Battle, PLLC, where her practice concentrates on regulatory programs for air, water, hazardous and solid waste, brownfields and corrective action programs, and right-to-know issues. Ms. Bradley has more than 20 years of experience in all aspects of environmental law.

Ms. Bradley's representative experience includes negotiation and appeal of NPDES and RCRA permits in various states and EPA regions; air emissions permitting, including applicability determinations, compliance schedules, and consent order negotiations; defense of enforcement actions and penalty assessments under state and federal environmental programs; drafting legislation and lobbying on environmental issues; creating and implementing corporate environmental management systems and audit programs; due diligence investigations related to real estate transactions and financing; development of licensing plans for major facilities; and participation in environmental stakeholders groups.

Ms. Bradley received a B.S. in Education in Mathematics from Miami University in 1969. She obtained her J.D. from the University of Miami in 1976. She has been listed in The Best Lawyers in America since 1991 and has the highest rating (AV) with Martindale-Hubbell.

She is admitted to practice in West Virginia, as well as the United States Courts of Appeals for the Fourth and Fifth Circuits, United States District Courts for the Northern and Southern Districts of West Virginia, and the West Virginia Supreme Court of Appeals.

### **Samuel M. Brock**

Sam is a Member in the Charleston, West Virginia office of Spilman Thomas & Battle, PLLC. His primary areas of practice are labor and employment law and litigation services in commercial, environmental, and ERISA matters. Prior to joining Spilman, Sam was a partner with the law firm Troutman Sanders LLP in Richmond, Virginia.

Sam is a native of Morgantown, West Virginia. He graduated from West Virginia University with degrees in Political Science and Economics and earned his J.D. from The College of William and Mary.

Sam is a member of the West Virginia, Virginia, and Pennsylvania bars. In addition to the courts of these states, he is admitted to practice before the U.S. Supreme Court; the U.S. Court of Appeals for the Fourth and District of Columbia Circuits; and the U.S. District Court for the Southern and Northern Districts of West Virginia, the Eastern and Western Districts of Virginia, and the Western District of Pennsylvania.

### **Professor Joseph Dellapenna**

Joseph W. Dellapenna is Professor of Law at Villanova University, in Villanova, Pennsylvania. He has taught at law schools in the United States and abroad for 36 years. He has practiced, taught, and written about managing the water environment, both in the United States and internationally, for this entire period. He teaches a course on Managing the Water Environment, as well as courses on Admiralty, Chinese Law, Comparative Law, and Transnational Litigation. He has also taught Contracts, Environmental Law, International Trade Law, Law of the Sea, Natural Resources Law, Ocean and Coastal Management Law, and Public International Law.

Professor Dellapenna is Director of the Model Water Code Project of the American Society of Civil Engineers and Rapporteur of the Water Resources Committee of the International Law Association. As Director of the Model Water Code Project, he has led in the drafting of the Appropriative Rights Model Water Code and the Regulated Riparian Model Water Code, and supervised the preparation of Model Agreements for Sharing and Use of Transboundary Waters and Model Water Regulations for Administration and Trading in Humid Areas. As Rapporteur, he is led the revision of the *Helsinki Rules*, the generally recognized summary of the customary international law of transboundary waters, which resulted in the International Law Association's approval in August 2004 of the *Berlin Rules* to replace the *Helsinki Rules*. He has served as a consultant on water management problems to the Directory-General of Natural Resources (Direcção-Geral dos Recursos Naturals) in Portugal and has consulted in the United States and abroad on problems of water management. He contributed nearly the whole of volumes 1 and 3, part of volumes 2 and 6, and the annual supplements for volume 5, of the treatise *WATERS AND WATER RIGHTS*, the standard reference on water law in the United States.

Professor Dellapenna has served as a consultant to governments on three continents regarding the reform of water law. He represented the Connecticut Water Works Association in the case of *City of Waterbury v. Town of Washington*, 260 Conn. 506, 802 A.2d 1102 (2002), successfully persuading the Connecticut Supreme Court to adopt a significant reinterpretation of Connecticut water law. His work on transnational litigation has been cited several times by the Supreme Court of the United States.

Professor Dellapenna received a B.B.A. with Distinction from the University of Michigan in 1965, a J.D. *cum laude* from the Detroit College of Law in 1968, an LL.M. in Public

International and Comparative Law from the George Washington University in 1969, and an LL.M. (Environmental Law) from Columbia University in 1974. He has been a member of the faculty of the University of Cincinnati and of Willamette University. He has been a Fulbright Senior Professor in the Republic of China, the People's Republic of China, and Portugal. He is the only person to have held Fulbright lectureships on both sides of the Taiwan Strait.

### **Ronald E. Gold**

Mr. Gold is a member of Frost Brown Todd LLC and is a Co-Chair of the firm's Financial Restructuring Group. He concentrates in finance and reorganization law, primarily in the area of bankruptcy and out-of-court workouts. Mr. Gold actively represents corporate debtors, borrowers, secured lenders, landlords and creditors' committees in multi-million dollar bankruptcy proceedings, restructuring and out-of-court workouts. He also represents purchasers of entire businesses or business segments both in and out of chapter 11. Mr. Gold is listed in the Bankruptcy Section of the 2005-2006 and 2003-2004 editions of the Best Layers in America and was named one of Ohio's leading bankruptcy and restructuring lawyers by Chambers USA: America's Leading Lawyers for Business in 2004-2005 and Ohio Super Lawyers in 2004-2005.

Mr. Gold has served as the partner in charge of the firm's representation of Horizon Natural Resources Company, AEI Resources Company, Jillian's Entertainment Holding, Inc., Lightyear Communications, Inc., OneStar Long Distance, Inc., Kentucky Electric Steel, Inc., The Kruse Hardware Company, QDS Components, Inc., Bell Furniture Company and Polycel Structural Foam, Inc. in their chapter 11 cases. In addition, Mr. Gold has served as counsel to the official committee of unsecured creditors appointed in the 5B's, Cook & Sons Coal Company, Ciao Cucina Restaurants and Apollo Steel Company chapter 11 cases and unofficial committees of landlords in the Sam & Libby Shoes and Track 'n Trail restructurings. In addition, Mr. Gold has also represented the debtor-in-possession lenders in the J. Peterman & Company, Brendamors Sporting Goods, Rehab Designs of America and Hamilton Foundry chapter 11 case and Gibson Musical Instruments in its acquisition of Baldwin Piano & Organ Company.

Mr. Gold graduated from the University of Michigan with an BA, in 1986 and received his law degree from the University of Pittsburgh in 1989, magna cum laude and Order of the Coif, where he was a member of the University of Pittsburgh Law Review. Mr. Gold is admitted to practice before the Supreme Court of Illinois, the Supreme Court of Ohio, U.S. Court of Appeals for the Sixth Circuit, U.S. Court of Appeals for the Seventh Circuit, U.S. District Court Northern District of Illinois, U.S. District Court Northern District of Indiana, U.S. District Court Southern District of Indiana, U.S. District Court Western District of Kentucky, U.S. District Court Northern District of Ohio, U.S. District Court Southern District of Ohio and the U.S. District Court Eastern District of Wisconsin.

### **Karen J. Greenwell**

Karen Greenwell is a partner in the Lexington office of Wyatt, Tarrant & Combs where she practices in the areas of mineral, energy, and property law (including litigation and transactions), as well as general commercial litigation. Ms. Greenwell received both her B.A. and J.D. degrees with highest honors from the University of Kentucky, where she was Phi Beta Kappa and Order of the Coif. She has been admitted to practice before the U.S. District Court/Eastern and Western

Districts of Kentucky; U.S. District Court/6th Circuit; and the U.S. Supreme Court. She co-authored "On the Constitutionality of Kentucky's Mineral Deed Act," 13 *Northern Kentucky Law Journal* 219 (1986); "Kentucky's Broad Form Deed Amendment: Constitutional Considerations," 5 *Journal of Mineral Law and Policy* 9 (1989-90); "The Applicant Violator System Under SMCRA; Ownership and Control Regulations," 6 *Journal of Mineral Law and Policy* 143 (1990-91). She is a fellow of the Institute for Mining and Mineral Research and member of the Fayette County, Kentucky and American Bar Associations.

### **Timothy J. Hagerty**

Tim Hagerty is a Member of Frost Brown Todd LLC. He counsels the Firm's clients on environmental compliance, liability, and litigation issues arising under federal, state, and local laws, with an emphasis on natural resources law. Mr. Hagerty has counseled the firm's mining industry clients in various matters arising under federal environmental and surface mining laws, and has represented a major coal company in federal litigation regarding the regulation of surface mining under the Clean Water Act. 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.

Mr. Hagerty also has extensive experience assisting public and private clients in complying with the National Environmental Policy Act (NEPA) and related resource review requirements. Mr. Hagerty provides advice to clients concerning the requirements of the Clean Air Act, the Endangered Species Act, and the National Historic Preservation Act. Mr. Hagerty has both provided compliance counseling and represented clients in litigation concerning major electric transmission line and petroleum pipeline projects, large-scale residential and commercial developments, and major highway and transit projects throughout the country. Mr. Hagerty also assists the Firm's clients in conducting environmental due diligence, negotiating environmental provisions in complex corporate and real estate transactions, and addressing property contamination issues.

Before joining Frost Brown Todd, Mr. Hagerty practiced environmental law with Beveridge & Diamond, P.C., in Washington, D.C. Mr. Hagerty obtained his B.A., *summa cum laude*, from the University of Louisville in 1991, and his J.D. from the Yale Law School in 1994.

Mr. Hagerty is admitted to practice in Kentucky and the District of Columbia, the U.S. District Courts for the Eastern and Western Districts of Kentucky, and the Fourth and Sixth Circuit Courts of Appeals.

### **Sheila Slocum Hollis**

Sheila Slocum Hollis is chair of the Washington, D.C. office and serves on the firm's Executive Committee and Partners' Board. Ms. Hollis practices in the areas of energy transactional and regulatory law, and international and administrative law before government agencies, Congress and other entities. She specializes in domestic and international energy, water and environmental matters, representing governmental bodies and the power and natural gas industries. She was recently named one of the 50 Key Women in Energy.

Ms. Hollis was the first director of the Office of Enforcement of the Federal Energy Regulatory Commission, establishing the office and its policies and procedures, serving from 1977 to 1980, and was a trial lawyer at the Federal Power Commission from 1974 to 1975. Over the course of her career, she has played a key role in the formation and implementation of energy law and policy.

She is the past chair (2001-2002) of the Section of Environment, Energy and Resources of the American Bar Association, representing 11,000 ABA members. She serves on the Standing Committee on the Federal Judiciary. She served in the ABA's House of Delegates from 1993 to 2001 and served for several years on the Nominating Committee of the ABA. In addition, she served as chair of the Standing Committee on Environmental Law from 1997 to 2000 and served two terms as chair of the ABA's Coordinating Group on Energy Law. A Fellow of the ABA, Ms. Hollis serves on the Editorial Board of the ABA Journal and was a member of the ABA's Standing Committee on Gavel Awards. Ms. Hollis was the first woman to serve as president of the Federal Energy Bar Association (1991 to 1992). She served as president of the Women's Council on Energy and the Environment from 1997-2002. She is the first person to serve as both president of the Federal Energy Bar Association and chair of the ABA Section of Environment, Energy and Resources. She is a board member of the United States Energy Association and a member of the Advisory Committee of the North American Energy Standards Board. Ms. Hollis served as a professorial lecturer in the law on the subject of energy law at The George Washington University Law School from 1979 to 1999. She serves on the Board of the American Friends of the Royal Society and on the Board of the Foundation for Veterans' Healthcare.

Admitted to practice in the District of Columbia and Colorado, she is a member of the American Law Institute and serves on the Board of Trustees of the Center for American and International Law and as vice chair of its Institute for Energy Law. With an extensive background in international energy law, Ms. Hollis is admitted as an honorary, international member of the Commercial Bar of England and Wales. She is a member of the Energy, International, Women's and Federal bar associations and the Bar Association of the District of Columbia. Ms. Hollis is widely published in energy law and policy matters, having co-authored two energy law texts and numerous articles on energy policy, energy enforcement, natural gas, independent power and cogeneration, and hydroelectric energy regulation. She was ranked by the National Law Journal as one of the Nation's top 20 energy lawyers and is listed in Who's Who in America, Who's Who in the World and other biographical directories.

A Colorado native, she is a 1973 graduate of the University of Denver College of Law and a graduate of the University of Colorado at Boulder, cum laude in general studies, honors in journalism.

### **Monika J. Hussell**

Monika J. Hussell is a member in the firm's Business Law Department. Her practice area focuses on intellectual property, including patents, trademarks and technology. Specifically, Ms. Hussell assists clients in obtaining protection for, licensing of, and handling disputes regarding innovative ideas.

Ms. Hussell has been a member of the United States Patent Bar since 1993. Ms. Hussell also assists clients in child adoption related matters, including private, interstate and international adoption. Before joining the firm, Ms. Hussell worked in Louisville, Kentucky with the law firm of Brown, Todd & Heyburn (now Frost Brown Todd).

Ms. Hussell received her BS in electrical engineering in 1990 from Lafayette College and received her JD in 1993 from Washington & Lee University School of Law.

Ms. Hussell enjoys contributing her time and efforts in the community, including her position as the President of the YWCA and the President of the Charleston, WV Alumni Chapter of Washington & Lee University. Ms. Hussell was honored by Washington & Lee University with the Distinguished Young Alumna Award in 2003.

### **J. Thomas Lane**

Tom Lane is a partner with Bowles Rice McDavid Graff & Love LLP, Charleston office. He is a member of the firm's Executive Committee and the Energy, Environment and Regulatory Practice Group. He practices primarily in the areas of natural resources, coal, oil and gas, commercial real estate, zoning and land development, as well as litigation case involving these areas. He also engages in lobbying and government relation, particularly on issues affecting the mineral industry.

As the Robert T. Donley Adjunct Professor of Law at the West Virginia University College of Law, Tom teaches a course in Coal, Oil and Gas (1986-present). He has compiled a teaching text on Coal, Oil and Gas and has published numerous articles, including "Rights-of-Way and Easements in Mineral Development," "Maintaining Oil and Gas Leases in Distressed Markets," "West Virginia Ad Valorem Property Taxes," and "Fire in the Hole to Longwall Shears, Old Law Applied to New Technology."

Tom is President of the Charleston City Council where he has been an elected member since 1987. He serves on the key committees of Council, is involved in various special projects from homeless shelters to public safety and has organized and oversees ten task forces to carry out a City plan on comprehensive improvements. Tom is active in a variety of church, civic and charitable endeavors.

Tom is Trustee and past President of the Energy & Mineral Law Foundation and past President and Chairman of the Executive Council of The West Virginia Bar Association.

An owner of a land development company, Tom is involved in land development, construction and rental. His favorite pastime is landscaping and gardening, and he would rather work on his tractor than watch football. Time on the tractor competes, however, with tennis. Tom is an avid player with a 4.0 NTRP rating. He competes in many local and regional tournaments. In his spare time, Tom likes to work on cars and has on occasion restored an old Porsche or two. As a private pilot, Tom likes to travel by plane.

Tom received his B.A. degree in 1968 from Washington & Jefferson College and his J.D. degree in 1973 from West Virginia University. He served in the United States Army (1969-1971), and

was a Law Clerk to the Honorable John A. Field, Jr., United States Court of Appeals, Fourth Circuit (1969-1975).

Since 1989, Tom has been listed in The Best Lawyers in America by Woodward/White, Inc.; he has an AV rating with Martindale-Hubbell; and he is listed in “Chambers USA: America’s Leading Business Lawyers.”

### **John R. Leathers**

Mr. Leathers is a shareholder in the Pittsburgh office of Buchanan Ingersoll PC, a three hundred-fifty lawyer firm with offices in nine American cities. He is a graduate of the University of Texas at El Paso, the University of New Mexico Law School and holds an advanced degree from Columbia Law School. Mr. Leathers was a teacher for sixteen years, having taught at Columbia Law School, the University of Houston, the University of Oklahoma and the University of Kentucky. He is admitted to practice in the states of New Mexico, Kentucky and Pennsylvania, as well as various federal courts, including the United States Supreme Court. Mr. Leathers’ practice is primarily complex commercial litigation, with extensive experience in mineral and other environmental matters. Mr. Leathers is a frequent speaker at various ethics and continuing legal education programs. He also serves as Firm Ethics Counsel to Buchanan Ingersoll, passing upon ethical issues which arise during the course of the firm’s practice.

### **Thomas C. Means**

Thomas C. (“Tim”) Means joined Crowell & Moring LLP (Washington, D.C., Irvine, Ca., London and Brussels) in 1978 and is a Partner in the firm’s Natural Resources & Environmental Group. Mr. Means received an AB cum laude with High Honors in Government from Dartmouth College in 1969, where he was elected to Phi Beta Kappa. He received a Masters in Public Administration from the University of Colorado in 1975 and attended Princeton Theological Seminary on a fellowship. In 1978, he earned his law degree with Highest Honors from George Washington University, where he was a member of the Law Review and Order of the Coif, graduating third in his class.

Mr. Means practices in the area of judicial review of agency action, focusing primarily on issues involving federal regulation of the mining industry, principally under the Federal Mine Safety and Health Act of 1977 (MSHA), the Surface Mining Control and Reclamation Act of 1977 (SMCRA), and other environmental laws. Mr. Means has extensive experience in representing mine operators, mine supervisors, and trade associations in MSHA and SMCRA matters, including MSHA special investigations seeking to impose civil and criminal liability, MSHA discrimination complaints, and MSHA and SMCRA enforcement defense litigation, as well as in litigation challenging unlawful MSHA and OSM regulations and related regulatory actions. He has often defended mine operators against citations and orders for alleged Mine Act training violations.

Mr. Means is a Trustee and Past President to the Energy & Mineral Law Foundation and serves on the Foundation’s Editorial Board. Mr. Means is a member of the Bar of the District of Columbia. He is admitted to practice before most of the United States Courts of Appeals and the United States Supreme Court. Prior to joining Crowell & Moring LLP, Mr. Means was a lobbyist and governmental affairs representative for Colorado Counties, Inc., a non-profit

association of all of the county governments in Colorado, where he gained extensive knowledge in the areas of legislation, agency rulemaking, inter-governmental relations, and federalism.

**Timothy M. Miller**

Timothy M. Miller is a Member with the firm of Robinson & McElwee PLLC in the Charleston, West Virginia office.

He is a member of the Litigation Department, and his practice focuses on energy law and related corporate representation and civil litigation. He has tried over 25 significant civil cases to jury trial conclusion in federal and state courts throughout West Virginia. Mr. Miller has significant experience in complex toxic tort, environmental, mass tort and class action litigation, including experience before the West Virginia Mass Litigation Panel. Significant cases include representation of a natural gas distributor in hearings before the National Transportation Safety Board and over 25 civil suits arising from a natural gas pipeline explosion. He serves as lead counsel for a number of clients in the mass litigation arising from flooding in West Virginia, including serving as one of three attorneys who recently argued on behalf of over 125 defendants before the West Virginia Supreme Court of Appeals. He also serves as lead counsel in two cases pending in West Virginia filed or certified as class actions, related to royalty calculation disputes. He has represented premises owners and others in numerous wrongful death and serious personal injury cases.

Mr. Miller received his Bachelor of Science degree in Business Administration from West Virginia University in 1977, and received his Juris Doctor degree from the West Virginia University College of Law in 1980. He is a member of the Defense Research Institute, the Defense Trial Counsel of West Virginia, the American Bar Association, Section of Litigation. He has served as an arbitrator and as counsel in proceedings before the American Arbitration Association and in private mediations and arbitrations.

**Beth R. Minear**

Beth R. Minear born Radford, Virginia, March 31, 1968; admitted to bar, 1998, West Virginia and U.S. District Court, Southern District of West Virginia. Education: Ohio University (B.A., English, 1995); Capital University (J.D., 1998). Delta Theta Phi (Vice President, 1997-1998); Order of the Curia. Assistant Editor, Adelpia Law Journal, 1996-1997. Member, Board of Directors, Center for Aging and Healthcare in West Virginia. Member: Kanawha County Bar Association; West Virginia State Bar. Practice Areas: Real Property; Labor and Employment; OSHA; Personal Injury; Insurance Defense; Divorce.

**Niall A. Paul**

Niall is a member in the Charleston, West Virginia office. He has successfully litigated over a hundred bench, jury and administrative trials. His litigation practice has resulted in Niall being one of four lawyers in the nation selected to serve on a National Litigation Strike Force for an international Fortune 100 company. In addition to often being retained as substitute trial counsel, Niall also represents clients as a troubleshooting appellate lawyer. He focuses his practice on complex litigation and recently defeated the West Virginia Attorney General's effort to obtain a statewide immediate preliminary injunction against the world's leading check guarantee

company. He has extensive experience in handling reductions in force and age discrimination claims. Niall was one of only 20 members appointed to the Equal Employment Opportunity Commission's negotiated rulemaking committee regarding the Older Workers' Benefit Protection Act. He has authored papers and book chapters for the American Bar Association, BNA and other organizations including, but not limited to, "Client Service in the Twenty-First Century — Finding Profits in Partnering," 2003 and "Employment Practices Liability Insurance." Niall is the associate editor-in-chief of a book on Damages to be published by BNA. He is a graduate of Bridgewater College and received his J.D. from the University of Richmond. Niall is admitted to the West Virginia Supreme Court of Appeals, Kentucky Supreme Court of Appeals, U.S. District Courts for the Southern and Northern Districts of West Virginia, U.S. District Court for the Southern District of Texas, U.S. District Court for the Eastern District of Kentucky and U.S. Courts of Appeals for the Fourth and Sixth Circuits, and U.S. Supreme Court.

### **Susan Haller Pauley**

Susan Pauley joined Steptoe & Johnson PLLC in July, 2002 and practices in the firm's Charleston, West Virginia office. Ms. Pauley is in the Business Department and concentrates her practice in the areas of privacy and information law and commercial litigation. Ms. Pauley is the leader of the firm's Privacy Practice Team.

Ms. Pauley's privacy and information law practice involves the representation of clients regarding compliance with legal requirements, self-regulatory initiatives, best practices, and privacy trends. She has extensive experience advising clients regarding compliance with the HIPAA Privacy Rule. Her privacy and information law practice also involves the representation of clients in litigation involving privacy claims. She has also conducted assessments of companies' offline and online privacy policies and practices for compliance with federal and state requirements, self-regulatory initiatives, and best practices.

Ms. Pauley's commercial litigation practice involves the representation of corporate clients in various commercial matters including breach of contract disputes and business torts.

Prior to joining Steptoe & Johnson, Ms. Pauley was an associate at the Washington, D.C. law firm, Mullenholz, Brimsek & Belair, where she concentrated her practice on privacy and information law, legislative and regulatory representation, and intellectual property (trademark). While she was an associate at Mullenholz, Brimsek & Belair, Ms. Pauley was also a legal editor of *Privacy & American Business*, a national, privacy-sensitive publication for the business community. As a legal editor, Ms. Pauley regularly monitored congressional, regulatory, and self-regulatory privacy activity and authored articles about these developments.

Ms. Pauley is admitted to practice in the District of Columbia, Maryland, and West Virginia as well as before the United States District Court for the District of Maryland, the United States District Court for the Southern District of West Virginia, and the Bar of the Supreme Court of the United States.

Ms. Pauley received her law degree, with honors, from the George Washington University Law School. She received her undergraduate degree in International Economic Relations from the College of William and Mary.

Ms. Pauley is the author of the May/June 2002 INFORMATION MANAGEMENT JOURNAL article, *Privacy: What Every Manager Should Know*.

**David G. Ries**

David G. Ries is a partner in the Pittsburgh, Pennsylvania, office of Thorp Reed & Armstrong, LLP, where he practices in the areas of environmental, technology and commercial litigation. He is a Trustee of the Energy and Mineral Law Foundation and serves as a hearing committee chair for the Disciplinary Board of the Supreme Court of Pennsylvania. Mr. Ries received his B.A. from Boston College in 1971 and his J.D. from Boston College Law School in 1974 where he was a member of the *Boston College Industrial and Commercial Law Review*.

His environmental practice over the last 29 years has included a broad range of issues in federal and state courts and before administrative agencies, including CERCLA litigation, Clean Water Act litigation, solid and hazardous waste issues, Clean Air Act litigation, storage tank litigation, court and administrative challenges to regulatory programs, defense of penalty actions, defense of citizens' suits, environmental crimes defense, wet weather water quality issues, hazardous sites remediation issues and litigation under the National Environmental Policy Act.

David has frequently spoken and written on environmental, litigation, and technology subjects, including programs for the EMLF. He has given several recent lectures on records management and reporting client misconduct, including a presentation at the Kentucky Mineral Law Conference last fall which will be available online through WestLegalEd.com. In July 2001, he spoke at a multi-state CLE course, *E-mail Breakdowns & Misuse of Personal Information Online – Distractions or Causes of Action?*, which was satellite broadcast from Dallas, Texas. His course materials from that program were published in the September, 2001 *Cyberspace Lawyer*. David has given several presentations on "Attorneys and Electronics Communications: Ethical Considerations and Beyond," including one at EMLF's February, 2002 Winter Workshops. He has also addressed technology law issues at programs for Carnegie Mellon University.

He spoke on "Expert Opinions in Environmental Cases After *Daubert* and the New Federal Rule 702" for the University of Wisconsin-Madison College of Engineering's course, *Environmental Litigation: Advanced Forensics and Litigation Strategies* in April, 2001 and spoke on the same topic at the 2001 Kentucky Mineral Law Conference. His course materials were published in the EMLF's 2001 Proceedings. These presentations were based on a recent CERCLA case in which he successfully argued a *Daubert* motion for a group of 12 defendants, resulting in summary judgment for the defendants.

**Gregory D. Russell**

Gregory D. Russell is a partner in the Energy and Environmental practice group of Vorys, Sater, Seymour and Pease LLP, where he specializes in natural resources law. Mr. Russell represents producers in business and litigation matters relating to the exploration, production, transportation and marketing of oil and natural gas. His practice also involves representing clients before federal and state regulatory agencies on natural gas and electric matters, including matters before the Federal Energy Regulatory Commission and State Public Utility Commissions. Mr. Russell

received his undergraduate degree, *summa cum laude*, in Mathematics from Washington & Lee University in 1988, and his law degree from Harvard Law School in 1992.

Historically, the gathering of natural gas in rural areas has been exempt from regulation under the Natural Gas Pipeline Safety Act of 1968. Producers and regulators, however, have often disagreed over whether a rural line is gathering, and therefore unregulated, or transmission, and therefore regulated. The difference can mean thousands of dollars in often unneeded system upgrades and compliance costs alone, not to mention the costs associated with an enforcement action. This presentation will review how gathering has been characterized historically and how recent rulemaking activities at the U.S. Department of Transportation are likely to change gathering line definitions in the future.

### **Julia K. Shreve**

Julia Shreve is a member of Jackson Kelly PLLC, and focuses her practice on mine safety and health issues, occupational safety and health issues, and she defends coal operators in deliberate intent cases. She is resident in the Charleston, West Virginia Office.

Ms. Shreve earned a Bachelor of Arts and Master of Arts degree from Marshall University and a J. D. Degree from The Ohio State University College of Law. She has authored several articles on compliance with the Federal Mine Safety & Health Act of 1977 (“the Act”), which have been published in industry trade journals. She also trains mine operators and their agents on compliance with the Act and has conducted seminars on these topics in West Virginia, Kentucky, and Virginia. She presents workshops to the members of The West Virginia Coal Association, teaching safety directors and managers of coal companies how to defend against MSHA’s enforcement without hiring lawyers.

Ms. Shreve has served as President of the West Virginia University Parents’ Club and as an adjunct faculty member of West Virginia State University, has for many years taught writing and study skills to freshmen. For the American Cancer Society, she is a counselor for recently diagnosed breast cancer patients. For the millennium year 2000, she was awarded the Mountaineer Spirit Award: Women of Achievement. Ms. Shreve has one daughter, Emily Dawson, a recent graduate of West Virginia University.

### **Professor Ernest E. Smith**

Ernest Smith has held the Rex G. Baker Centennial Chair in Natural Resources Law at the University of Texas School of Law since 1983. He began his teaching career at Texas in 1963 and served as Dean of Texas Law School from 1974 to 1979. He was selected to hold the Godfrey Distinguished Visiting Professorship at the University of Maine School of Law in 1994. He was a Visiting Professor of Law at Harvard Law School in the spring of 1992 and in the Fall of 1988 was Visiting Professor at the Centre for Petroleum & Mineral Law Studies, University of Dundee, Scotland. Professor Smith teaches courses and seminars in International Petroleum Transactions, Oil & Gas, Environmental Law, and Property Law.

He received his B.A. Summa cum Laude from Southern Methodist University in 1958 and his LL.B. Magna cum Laude in 1962 from Harvard Law School, where he served as an editor of The

Harvard Law Review. In 1962-63 he served as law clerk for the Honorable John Minor Wisdom of the U.S. Circuit Court of Appeals for the Fifth Judicial Circuit.

Professor Smith is a member of the State Bar of Texas and is a board certified specialist in oil and gas law. He has been admitted to practice before the U.S. Supreme Court, the Fifth Circuit, and the Eleventh Circuit. He serves on the Advisory Board of the Center of American and International Law and the Editorial Board of the Oil and Gas Reporter. He is a member of the Board of Trustees of the Rocky Mountain Mineral Law Foundation; the Board of Trustees of the Energy and Mineral Law Foundation; and the Natural Resources Law Teachers Committee of the Energy and Mineral Law Foundation. He has also served on the Academic Advisory Committee to the International Bar Association Section on Energy & Resources Law; the Editorial Advisory Board of the Journal of Mineral Law and Policy; and the Advisory Board of the Natural Resources Law Center of the University of Colorado. He is a past chairman of the Texas State Bar Section on Oil, Gas and Mineral Law. He was a member of the American Legal Institute from 1974-79.

Professor Smith received the Clyde Martz Award for Excellence in Teaching from the Rocky Mountain Mineral Law Foundation in 1998. In 2000 he received the Texas Excellence Teaching Award for the School of Law from the Ex-Students Association. In the same year the 26<sup>th</sup> Annual Institute of Oil, Gas and Mineral, which is co-sponsored by the Texas State Bar Section on Oil, gas and Energy law and the University of Texas School of Law, was re-named the Ernest E. Smith Oil, Gas and Mineral Law Institute. The Ernest E. Smith Endowed Presidential Scholarship in Law was established in 1994, and the Ernest E. Smith Professorship in Law was established in 1996.

Professor Smith is co-author (with Dzienkowski, Anderson, Conine, Lowe & Kramer) of INTERNATIONAL PETROLEUM TRANSACTIONS (2d ed. Rocky Mountain Mineral Law Foundation 2000); co-author (with Cribbet, Johnson & Findley) of CASES AND MATERIALS ON PROPERTY (8th ed. Foundation Press 2002); co-author (with J. Weaver) of TEXAS OIL AND GAS LAW (2d ed. Lexis Law Publishing, 1998); co-author (with Kuntz, Lowe, Anderson & Pierce) of CASES AND MATERIALS ON THE LAW OF OIL AND GAS (4th ed. West 2002); and the author of numerous articles dealing with oil and gas law, environmental law and international energy transactions.

### **Robert M. Stonestreet**

Robert M. Stonestreet is an associate with the law firm of Dinsmore & Shohl LLP and practices in the Charleston, West Virginia office. Mr. Stonestreet is a member of the firm's Litigation Department and Environmental Practice Group and has experience in general civil litigation, environmental law and corporate law.

Mr. Stonestreet graduated from Marshall University *summa cum laude* in 2000 with a B.A. in History. He received his law degree from West Virginia University College of Law in 2003 where he graduated Order of the Coif and served as Executive Manuscript Editor of *West Virginia Law Review*. He is admitted to practice law in West Virginia and before the Northern and Southern Districts of West Virginia. Mr. Stonestreet is a member of the West Virginia and American Bar Association.

Mr. Stonestreet's publications include: "Replace a Solid Wall With a Chain Link Fence: Special Relationship Analysis for Tort Recovery of Purely Economic Loss," 105 *W. Va. L. Rev.* 213 (2002), which is reprinted in "Legal Handbook for Architects, Engineers and Contractors: Issues in Construction and Technology 2002/2003, Vol. 19 (Albert H. Dib, ed., West 2003).

### **Benjamin Sullivan**

Benjamin Sullivan is an associate with the Charleston, West Virginia law firm of Lewis Glasser Casey & Rollins PLLC. He is licensed to practice before the West Virginia Supreme Court of Appeals and the United States District Court for the Southern District of West Virginia.

Mr. Sullivan graduated with honors from the University of Kentucky in Lexington, Kentucky, with a bachelor's degree in history. After completing his undergraduate degree, he went on to graduate from the West Virginia University School of Law in 2004. Specializing in real estate, commercial and natural resource law, Mr. Sullivan is a graduate of the 2004 Rocky Mountain Mineral Law Foundation's Oil & Gas Law Short Course. Mr. Sullivan is a member of the West Virginia Bar Association and the West Virginia Chamber of Commerce's Environmental Committee Advisory Group.

### **Marc R. Weintraub**

Marc Weintraub is an attorney with Steptoe & Johnson PLLC, where he concentrates his practice on a wide range of commercial and corporate transactions involving large and small companies many of which are engaged in energy production and transportation. His work includes business formations, corporate finance, banking, real estate, mergers and acquisitions and securities compliance. His work also includes representation of domestic and international clients expanding or establishing manufacturing facilities in Appalachia.

Mr. Weintraub has been involved in a number of Regulation D private placements representing issuers with respect to federal and state securities laws issues. He has experience in the negotiation, drafting and implementation of agreements and contracts for all purposes with specialization in domestic and international energy transactions and project finance. Mr. Weintraub has negotiated and drafted energy project development agreements for projects located in the United States, Latin America and the Near-East.

Mr. Weintraub resides in Charleston, WV where is a member of the City Council representing the City's only historic district. He is an adjunct professor at West Virginia University's College of Business and Economics where he teaches business law related courses to MBA students. Mr. Weintraub received his law degree from the University of Maine School of Law in Portland, Maine, where he graduated cum laude. He has a Masters of Education degree with a concentration in Higher Education Administration from New York University. Mr. Weintraub received his undergraduate degree in Political Science from Union College in Schenectady, New York.

### **Barry K. Worthington**

Barry K. Worthington serves as the Executive Director of the United States Energy Association (USEA), where he directs the Association's domestic and international activities. He has served in this capacity since September 1988. Previously, he served as a Vice President of the Thomas Alva Edison Foundation and prior to that served in several capacities with Houston Lighting & Power Company, now known as Center Point. Mr. Worthington serves as Chairman of the National Energy Foundation and is also a member of the Board of Directors of the World Environment Center and the US-China Energy Environment Center, as well as Trustee of the Energy & Mineral Law Foundation. He is a guest columnist for Platt's Global Energy Business & Technology and serves on the Editorial Board of Energy. He also is a frequent guest on White House Chronicles, a Washington based public interest television series. Mr. Worthington holds a Bachelor of Science from the Pennsylvania State University and Master of Science from the University of Houston. He has written extensively on energy and environmental matters, and addresses many conferences on national and international energy issues.