

Program Committee
Gregory D. Russell, Chair
*Vorys, Sater, Seymour
and Pease LLP*
Columbus, OH

Michael J. Barron
EQT Production Company
Pittsburgh, PA

Sean Cassidy
Sean Cassidy and Associates, P.C.
Greensburg, PA

J. Thomas Lane
Bowles Rice LLP
Charleston, WV

R. Neal Pierce
Steptoe & Johnson PLLC
Columbus, OH

Daniel T. Sweeney
Chesapeake Energy Corporation
Oklahoma City, OK

Joseph A. Tarantelli
Chesapeake Energy Corporation
Oklahoma City, OK

William J. Taylor
Kincaid, Taylor & Geyer
Zanesville, OH

Michael K. Venum
Burleson LLP
Pittsburgh, PA

Cover graphic
courtesy of the Ohio
Department of
Natural Resources

Program Schedule

Sunday, April 14, 2013

6:00-7:00 p.m. **Early registration and reception**

7:00-8:30 p.m. **Dinner and Guest Speaker**

- Regina Gregory, Vice President and General Counsel, *Access Midstream Partners, MLP*, Oklahoma City, OK

Monday, April 15, 2013

7:00 a.m. **Continental Breakfast – Registration opens**

8:00 – 9:30 a.m. **Ownership Determination and Resolving Ambiguities: What to Do When Confusing Deeds Stymie the Imagination**

This presentation will include the nature of mineral ownership in Ohio, determining ownership in cases of ambiguous deeds, especially when “mineral” or “surface” ownership is severed, interpreting “royalty” conveyances, transfers of partial interests and over-conveyances, mis-description of interests, when executive interests are separated, distinguishing “mineral interests” with “royalty interests,” and ultimately, what happens if everything goes wrong.

- J. Thomas Lane, *Bowles Rice LLP*, Charleston, WV

9:30 – 10:00 a.m. **Ownership Under Adjoining Waters, Roads and Railroads**

Drilling units often have lateral legs that run under the beds and banks of rivers and streams, railroads and public roads. Accordingly, the ownership of the minerals under these areas must be identified. This session will summarize Ohio’s position on ownership of minerals underlying these areas.

- Jeffrey E. Fort, Of Counsel, *Porter Wright Morris & Arthur LLP*, Columbus, OH

10:00 – 10:15 a.m. **Break**

10:15 – 11:45 a.m. **Critical Lease Terms**

This session turns a critical eye to provisions in Ohio oil and gas leases that may be viewed favorably or unfavorably, depending upon whether you are the mineral owner/landowner lessor, or whether you are the lessee wanting to develop the minerals. The discussion will provide a better understanding of why certain provisions are important for development, and why certain provisions might merit a separate agreement

- J. Richard Emens, *Emens & Wolper Law Firm, LPA*, Columbus, OH
- Bruce M. Kramer, Professor Emeritus, *Texas Tech School of Law and Of Counsel, McGinnis Lochridge & Kilgore, LLP*, Houston, TX
- Russell L. Schetroma, *Steptoe & Johnson PLLC*, Meadville, PA
- Alan D. Wenger, *Harrington Hoppe and Mitchell, Ltd.*, Youngstown, OH

11:45 – 12:45 p.m. **Hosted Luncheon**

12:45 – 2:15 p.m. **Putting the Title Opinion Together – The Company View**

Discussion of mineral title opinion formats from companies doing business in Ohio's Utica shale, including the searches and information they require where severed mineral ownership exists to determine if the Dormant Mineral Act may have caused title to transfer.

- R. Wayne Anderson, Coordinator - Land Title, Eastern Division, and Heath T. Robinson, Senior Title Specialist, Eastern Division, Chesapeake Energy Corporation, Oklahoma City, OK
- Gina M. Banai, General Counsel, *Rice Energy*, Canonsburg, PA
- Chad Griffith, Director – Title, *CONSOL Energy*, Canonsburg, PA
- Virginia Markley, Regional Land Manager – South Appalachia, *XTO Energy*, Fort Worth, TX

2:15 – 3:15 p.m. **Curative Remedies for Silencing Noisy Ohio Title Defects**

This session focuses on common title defects encountered in mineral titles and corrective and curative actions available to resolve title defects. Included will be a review of Ohio's curative statutes, use of the judicial system for curing defects, use of affidavits, ratification and stipulation of interest agreements.

- William G. Williams, *Krugliak, Wilkins, Griffiths & Dougherty Co., L.P.A.*, Canton, OH
- Nathan D. Vaughan, *Krugliak, Wilkins, Griffiths & Dougherty Co., L.P.A.*, Canton, OH

3:15 – 3:30 p.m. **Break**

3:30 – 4:30 p.m. **Ohio's Marketable Title and Dormant Mineral Acts**

This session examines the ownership of the oil and gas mineral estate, and two title curative statutes available in Ohio to surface owners seeking to regain the ownership of severed oil and gas mineral rights. We will focus on the legal processes required under these statutes, the potential legal hurdles, and practical considerations for attorneys.

- Clay K. Keller, *Babst Calland*, Akron, OH
- Kristin M. McCormish, *Burleson LLP*, Pittsburgh, PA
- Matthew Warnock, *Bricker & Eckler LLP*, Columbus, OH

4:30 – 5:30 p.m. **Ohio Standards for Title Examination**

This presentation focuses on the Ohio Standards of Title Examination and practical application of those standards for attorneys who review Utica Shale-based oil and natural gas title abstracts. Instruments from actual abstracts will be presented and addressed as to the applicability of the various title standards that are most commonly used for noting objections and offering curative measures. The panel will provide methods that their firms utilize when addressing matters covered by the Ohio Title Standards.

- Michael K. Vennum, *Burleson LLP*, Pittsburgh, PA
- Sheila Nolan Gartland, *Vorys, Sater, Seymour & Pease LLP*, Columbus, OH

5:30 – 7:00 p.m. **Hosted Reception**

Tuesday, April 16, 2013

8:00 – 8:45 a.m. **Combining Acreage to Drill –Voluntary Pooling and Unitization in Ohio**

This presentation will focus on combining acreage to form horizontal well drilling units, pursuant to Ohio Revised Code 1509.26 – 1509.28. As operators enter into the development stage of the Utica play, they will have to employ statutory mechanisms to develop their assets. The presenters will discuss developing assets through voluntary pooling under R.C. 1509.26, the likelihood that mandatory pooling under R.C. 1509.27 will not be suitable for multi-well pad drilling, and highlight unitization under R.C. 1509.28 as the preferred vehicle for combining unleased tracts to form a drilling unit.

- W. Jonathan Airey, *Vorys, Sater, Seymour and Pease LLP*, Columbus, OH
- Zachary M. Simpson, *Vorys, Sater, Seymour and Pease LLP*, Columbus, OH

8:45 – 9:30 a.m. **Permitting Issues in Utica Shale Development**

This session covers not only what permits will be needed, but what needs to be addressed in specific permit applications in order to conduct operations in the Utica Shale.

- Kathy E. Milenkovski, *Steptoe & Johnson PLLC*, Columbus, OH

9:30 – 10:15 a.m. **Surface Damages and Other Legal Issues Regarding Initial Surface Operations**

This presentation looks at common surface use issues faced by operators and surface owners, when surface operations are commenced in preparation for a Utica Shale well. The discussion will focus on the status of Ohio law, types of agreements commonly used, analyze actual surface locations, and provide sample provisions addressing common issues.

- Daniel T. Sweeney, *Chesapeake Energy Corporation*, Oklahoma City, OK

10:15 – 10:30 a.m. **Break**

10:30 – 11:15 a.m. **Ohio Tax Issues Impacting Titles**

This session covers such questions as how is property assessed in Ohio?, and where severed title exists, how should land and minerals be covered? What happens with delinquencies and how are tax sales conducted? How do you know if a tax title is valid?

- William J. Taylor, *Kincaid, Taylor & Geyer*, Zanesville, OH

11:15 – 12:15 p.m. **Keeping the Lease Alive**

Discussion of the lease habendum clause (including Held By Production issues), shut-in royalties and delay rentals, other savings provisions, and what to do if you think a lease is at risk.

- Bruce M. Kramer, *McGinnis, Lochridge & Kilgore, LLP*, Houston, TX

12:15 – 1:45 p.m. **Lunch on Your Own**

1:45 – 2:45 p.m. **Implied Covenants in Ohio (and Elsewhere)**

Professor Pierce examines the use of implied covenants to respond to omitted terms in the oil and gas lease. He will describe the Ohio experience, and provide general guidance on implied covenant issues associated with horizontal development. He will offer analysis to determine when it is appropriate to imply a covenant, and how to apply the prudent operator standard to determine if the covenant has been breached.

- David E. Pierce, *Washburn University School of Law*, Topeka, KS

2:45 – 3:30 p.m. **Horizontal Division of Oil and Gas Leaseholds**

Since the onset of Marcellus Shale and Utica Shale development, horizontal division of existing oil and gas leases which are held by production has become commonplace. Such horizontal division impacts various lease clauses and operating rights which will be examined.

- Sean Cassidy, *Sean Cassidy and Associates, P.C.*, Greensburg, PA

3:30 – 3:45 p.m. **Break**

3:45 - 4:45 p.m. **Emerging Issues in Recent Oil and Gas Cases**

This session will cover recent cases as well as commentary on issues emerging out of litigation arising from the shale play.

- John P. Brody, *Kegler, Brown, Hill & Ritter, LPA*, Columbus, OH

4:45 p.m. **Adjourn**



Yes, I want to attend the Utica Shale program

Registration fee covers all educational sessions, looseleaf handbook with written materials by speakers, CD containing all written materials and PowerPoint presentations plus selected mineral titles articles previously published by the EMLF. Sunday night reception and dinner program, Continental breakfasts, Monday lunch and Monday reception, and refreshment breaks on both days are included in the registration fee.

Registration fees	Conference through March 10	Conference After March 10
Non-member Registration Fee.....	\$700.....	\$800
EMLF Member Fee.....	\$550.....	\$650
Law Faculty (full time).....	\$275.....	\$375
Law Student (full time).....	\$125.....	\$150
Program materials (available after conference) – looseleaf manual and CD.....		\$200

First Name _____ M.I. ____ Last Name _____ Badge Name _____

Organization/Firm _____ Title _____

Address _____

City, State, Zip _____

Daytime Phone _____ Fax # _____

Email Address _____

State(s) for CLE Credits _____ Do you need AAPL Credit? _____

Mandatory CLE and Professional Credit

Conference accreditation is pending from states with mandatory Continuing Legal Education. The conference consists of 885 minutes (14.75 hours in 60-minute states and 17.7 hours in 50-minute states). Registrants may be required to reimburse EMLF for MCLE filing fees for certain states. Please list the states or organization where you will be seeking professional education credits.

Fees:

Conference Registration	\$ _____
Conference Materials	\$ _____
Total	\$ _____

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

Card # _____ Expiration date _____

Signature _____ CVV code (security code) _____

Accommodations

The conference is being held at the Hilton Columbus at Easton, 3900 Chagrin Drive, Columbus, OH, 614.414.5000. The hotel is a AAA 4-Diamond, full service hotel located in the heart of Easton Town Center, only ten minutes from downtown Columbus, Ohio and 15 minutes from Ohio State University. The Hilton Columbus airport hotel is convenient to the Port Columbus International Airport (CMH) and offers complimentary shuttle service to and from the airport. The best shopping, dining and entertainment is literally steps away from the hotel at Easton Town Center. The room rate is \$169 for a deluxe room with either two double beds or a king-size bed. The special EMLF rate is available through March 24 or until the room block is sold out. Go to the EMLF e-brochure for online room registration.

Three ways to register

- If registering online, go to www.emlf.org
- If registering by fax, call 859.226.0485
- If registering by mail, send form and payment to EMLF, 340 South Broadway, Suite 101, Lexington, KY 40508

Cancellation policy

Refunds less a \$100 administrative fee will be given for written registration cancellations received by March 30. No registration refunds will be made thereafter, but substitutions can be made without charge.