

Energy & Mineral Law Foundation  
39<sup>TH</sup> Annual Institute  
June 17-19, 2018

## **Speakers' Biographies – by session**

**8:45 – 9:30 a.m.      *Keynote Speaker***

**Peter C. Balash, Ph.D.**  
**United States Department of Energy**  
**National Energy Technology Laboratory**

Peter C. Balash, Ph.D., is a Senior Economist at the United States Department of Energy's National Energy Technology Laboratory (NETL), in Pittsburgh, Pennsylvania. He has followed energy markets, energy security, and technology issues since 2002, focusing on market and technology interactions across the entire energy value chain. Recent activities include studying reliability and resilience of the electricity system. Current duties include managing an interdisciplinary team of engineers, economists, and scientists that performs economic, systems, regulatory, environmental life cycle, and infrastructure reliability analyses to inform strategic planning. In the recent past he has directed studies of the economic impacts of energy and climate change mitigation policy and assessed energy security options in a carbon-constrained world, inclusive of fossil-energy based solutions. He is an active member of the U.S. Association for Energy Economics. Previously Mr. Balash worked for the Internal Revenue Service in Houston, TX, engaged in multinational corporate audits and transfer pricing issues. Mr. Balash earned his doctorate in economics in 1992 from the University of Texas at Austin. He received a bachelor's in economics from Xavier University in Cincinnati, Ohio, in 1987.

**9:30 – 10:30 a.m.      *#MeToo and the Energy Industry (Ethics)***

**Allison Williams, Moderator**  
**Stephoe & Johnson PLLC**

Allison Williams is a labor and employment lawyer who is seen by her clients as a deeply caring, proactive problem-solver. She understands the value of investing the time needed to fully understand a client's particular industry and workplace culture, in order to deliver custom solutions and tailored advice that is both practical and cost-effective.

Allison regularly counsels clients on a wide variety of labor and employment issues, and she has a particular passion for helping employers craft strategies to help avoid, or minimize, the impact of litigation. She is frequently asked to draft employee handbooks, employment contracts, and other agreements, as well as provide in-house training for managers on some of the most pressing issues of the day. Allison has experience litigating cases in state and federal courts, as well as before administrative agencies and arbitrators, such as the West Virginia Public Employees Grievance Board, the West Virginia Human Rights Commission, and the Equal Employment Opportunity Commission.

While Allison offers assistance to employers in a wide-range of industries, she also has particular experience assisting employers in the aviation industry and in higher education. She has experience litigating AIR21 claims, GARA issues and has a broad-range of experience with Part 135 and Part 91 aircraft operations. Allison's higher education practice has also included Title IX litigation and counseling, faculty and staff grievances, and

counseling institutions about a plethora of issues from FERPA to FMLA and ADA Compliance and beyond.

Allison is recognized as a Super Lawyers Rising Star, she is highly regarded as a speaker on labor and employment issues, and she is also a monthly contributor to the West Virginia Employment Law Letter.

**Betty S.W. Graumlich**  
**Reed Smith LLP**

Betty is the Immediate Past Global Practice Group Leader for Reed Smith's Labor & Employment practice and previously served on the Firm's Executive Committee. She is a highly respected, established and experienced Labor and Employment practitioner. Her practice includes counseling clients in a range of industries on all a wide variety of labor and employment matters. She has litigated and counseled clients on cases involving claims of sexual harassment virtually since the Supreme Court finally recognized that sexual harassment violates Title VII. Her legal background, her strength in continuously staying abreast of changes in the law and adapting to the legal environment, as well as her diverse community involvement, have given her a unique ability to identify with the sensitive and evolving issues and communicate in an effective and practical manner with clients involved in labor and employment matters. She is also a trial lawyer with more than thirty years of experience in litigating both employment discrimination cases and labor arbitrations. She is a regular writer and speaker on employment topics and is listed in Best Lawyers in America and Legal 500 (Counseling), among other honors. A Virginia native, she received both her undergraduate and her law degree at the University of Virginia. She is a current member of the Council of the Virginia Bar Association Labor & Employment Section.

**Karina R. Kendrick**  
**McDonald Hopkins LLC**

Karina is an associate in the firm's Labor and Employment and Litigation Practice Groups. Karina's experience includes representing employers in a variety of labor and employment and workplace injury matters, including but not limited to claims of discrimination, harassment, wrongful termination, retaliation, issues involving the Family Medical Leave Act, Americans with Disabilities Act, National Labor Relations Act and both federal and state wage and hour statutes. She has been involved in defending matters in both state and federal court and before the EEOC, Ohio Civil Rights Commission, Department of Labor, and other administrative bodies. Karina also regularly advises employers on issues involving employment law compliance and policy development.

Prior to joining McDonald Hopkins, Karina was an associate at a national employment law firm.

Karina earned a J.D., *Order of the Coif*, from West Virginia University College of Law in 2011 and a Bachelor of Science in Criminal Justice & Psychology, *summa cum laude*, from Glenville State College in 2008.

**Gregory J. Ossi**  
**Venable LLP**

Gregory Ossi helps employers address human resource issues with practical solutions by focusing on all aspects of labor and employee benefits law.

Mr. Ossi has counseled employers in dealing with union organizing, unfair labor practice charges, and labor issues arising from mergers, acquisitions, and bankruptcy. Mr. Ossi has also counseled employers on employee benefits. He has arbitrated issues in both labor and employee benefit matters and has litigated labor and ERISA cases in federal courts in the District of Columbia, Illinois, Kentucky, and Virginia. Mr. Ossi has extensive experience in bargaining for and drafting retirement and healthcare plans pursuant to collective bargaining agreements. Mr. Ossi has represented companies as special labor counsel and as special benefits counsel in addressing collectively bargained obligations, multiemployer pension liability, and retiree health benefits under Sections 1113 and 1114 of the Bankruptcy Code.

Mr. Ossi also has particular experience with and understanding of multiemployer pension and health plan issues. Mr. Ossi has represented employers across a wide spectrum of industries in evaluating and disputing withdrawal liability. He has given numerous presentations across the country on various issues that arise from participating in a multiemployer pension plan, including the requirements of the Pension Protection Act and the Multiemployer Pension Reform Act.

Mr. Ossi's depth of understanding of both labor and benefits law issues allows clients maximum flexibility to solve pension and health benefit issues. In confronting rising medical costs, Mr. Ossi has worked with medical providers and unions to create drug formularies that reduce prescription drug costs for employers while still providing a valuable benefit to employees. Mr. Ossi was also a certified public accountant prior to becoming an attorney.

Mr. Ossi received his law degree in 1997 from Catholic University of America, Columbus School of Law, where he was the Executive Editor for the *Journal of Contemporary Health Law and Policy*. Mr. Ossi received a Masters in Accounting in 1991 from the University of Virginia, and a Bachelor of Science in Business Administration and Accounting in 1990 from Washington and Lee University.

**10:50 – 11:40 a.m. Legislative Update**

**Kelley M. Goes**  
**Jackson Kelly PLLC**

Kelley M. Goes is a Member in the Government, Manufacturing, and Public Finance industry groups of Jackson Kelly, focusing primarily on economic development and government relations. She practices out the Firm's office in Charleston, West Virginia.

Kelley is truly a Jill-of-all-trades. She has a vast range of legal experience and has played an influential role in the economic and legislative development of West Virginia. Her clients are the driving force behind her practice – she likes nothing better than to work with her clients to strategize and implement solutions to close deals, finance projects, and create economic development.

Kelley began her career in an unlikely place – as a truck stop waitress in rural West Virginia. She's proud to share that fact because she's proud of her roots. A lot has changed since then, but her love for her home state and her deep ties to the community have only grown. She's held several leadership positions within state and federal government and built a successful legal practice.

Her legal experience includes litigating patent infringement cases for one of the world's largest energy companies, negotiating to structure land and financial deals for location and expansion of businesses, and mediating commercial litigation, mineral lease disputes, contract disputes, and tort cases. Kelley represented a client in federal litigation for recovery of natural resources in the Ohio River and was awarded a Certificate of Commendation from the U.S. Department of Justice in recognition of advocacy in the case.

For her government relations clients, Kelley brings a strong working knowledge of the legal issues and protocols of the myriad West Virginia state agencies ranging from legislation and regulatory compliances to labor matters and bond issuances.

Kelley previously served as the State Director for U.S. Sen. Joe Manchin, III, as the Cabinet Secretary for the West Virginia Department of Commerce, and Executive Director of the West Virginia Development Office. In these roles, she evaluated business deals for economic viability and investment opportunities, and reviewed potential funding sources ranging from asset-based lending to private equity. She chaired the West Virginia Economic Development Authority, the West Virginia Jobs Investment Trust, the West Virginia Water Development Authority, and the West Virginia Broadband Deployment Council. In these positions, she had the opportunity to draft and advocate for numerous pieces of legislation and legislative rules.

Her commitment to progress earned her recognition as a Distinguished West Virginian, a Distinguished Mountaineer, and a Kentucky Colonel. She was named a 2008 Young Gun by West Virginia Executive Magazine.

**Michael T. Killion**  
**EQT Corporation**

Michael T. Killion is the Corporate Director of Government Affairs for EQT Corporation, an integrated natural gas company headquartered in Pittsburgh, Pennsylvania. Michael oversees the company's legislative and regulatory efforts in seven states and Washington, D.C.

Prior to joining EQT, Michael was an associate at Buchanan Ingersoll & Rooney practicing environmental law; a Deputy Attorney General for the Pennsylvania Office of Attorney General; and Counsel for the Massachusetts House Judiciary Committee.

Michael holds a Bachelor of Arts degree in Political Science from Boston College and a Juris Doctorate from Suffolk University Law School.

**11:40 a.m. – 12:30 p.m.      *Energy Law Update***

**Elizabeth B. Dawson  
Crowell & Moring LLP**

Elizabeth B. Dawson is an associate in the Environment & Natural Resources Group in Crowell & Moring's Washington, D.C. office. Ellie's practice covers the range of environmental and natural resources statutes, including the Clean Air Act; the Clean Water Act; the Comprehensive Environmental Response, Compensation, and Liability Act; the Resource Conservation and Recovery Act; the Federal Insecticide, Fungicide, and Rodenticide Act; the National Environmental Policy Act; and the Endangered Species Act. She counsels clients in navigating these statutes and supports them in agency rulemaking challenges and enforcement defense.

Ellie's prior experience includes over five years at the Environment & Natural Resources Division of the U.S. Department of Justice, where as a trial attorney in the Environmental Defense Section she gained invaluable insight into agency policies, procedures, and thought processes. She presented oral arguments in three different U.S. Courts of Appeals and litigated in district courts across the country, including the Western District of Washington, the Central District of California, and the Eastern District of Virginia. Among other recognition, Ellie was nominated for the John Marshall Award for Participation in Litigation, one of DOJ's highest awards offered to attorneys.

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

Dan Wolff is a trial and appellate litigator. He is a partner in Crowell & Moring's Washington, D.C. office and chairs the firm's Administrative Law & Regulatory Practice. Dan's practice encompasses litigation arising under the Administrative Procedure Act, the substantive statutes governing his clients' operations, or as a result of government enforcement actions or commercial disputes. A lot of Dan's work arises under environmental and energy laws and programs. Dan counsels clients on their rights and obligations under these programs, and he regularly appears in federal district and appellate courts around the country and before a host of agency tribunals.

**1:45 – 2:30 p.m.      *Industry Issues Involving the Foreign Corrupt Practices Act***

**Erica Williams  
Kirkland & Ellis LLP**

Erica Williams is a partner in the Government, Regulatory & Investigations Group of Kirkland & Ellis LLP. Erica was previously a Special Assistant and Associate Counsel to President Barack Obama, where she advised the president and his senior advisors on legal and constitutional issues involving economic policy, financial regulation and reform, financial technology, trade, intellectual property and data protection and privacy. Before that, Erica spent 11 years at the U.S. Securities & Exchange Commission, serving as Deputy Chief of Staff under Chairs Mary Jo White, Elisse Walter and Mary Schapiro, and Enforcement Counsel to Chair Schapiro. Earlier in her career, Erica served as Assistant Chief Litigation Counsel in the SEC's Division of Enforcement Trial Unit where she led a number of successful prosecutions, including cases involving insider trading, accounting fraud, violations of the Foreign Corrupt Practices Act and financial reporting.

Erica received her J.D. from the University of Virginia School of Law and her B.A., Sociology, from the University of Virginia.

**2:30 – 3:30 p.m.      *Environmental Criminal Enforcement Actions***

**Katherine (Kate) Gafner  
K&L Gates LLP**

Ms. Gafner is an associate in the Pittsburgh office of K&L Gates LLP. She advises and advocates on behalf of energy clients with respect to numerous aspects of their business, including litigation, government enforcement, construction, real estate matters, crisis management, and oil and gas transactions. Her litigation practice focuses on representing energy clients in a variety of sectors, including oil and gas and mining, before federal and state trial and appellate courts as well as local governing bodies.

In addition to her litigation practice, Ms. Gafner practices in the areas of government enforcement and white-collar crime/criminal defense, advising companies subject to federal and state investigations across the United States. Ms. Gafner is experienced in performing internal investigations as well as defending clients against federal and state agencies.

Ms. Gafner also advises corporate clients on a broad range of oil and gas transactional matters, including acquisitions and asset sales. As a member of the firm's crisis management team, Ms. Gafner also counsels energy clients in crisis management events by providing on-site response and post-incident support.

Ms. Gafner is licensed to practice law in Pennsylvania and West Virginia. Ms. Gafner is a graduate of Grove City College and received her J.D. from the University Of Pittsburgh School Of Law. Before beginning her career in law, she was a high school biology teacher.

**Mark A. Rush  
K&L Gates LLP**

Mr. Rush is a partner with the firm and concentrates his practice on internal investigations, corporate criminal defense, Bank Secrecy Act ("BSA") and anti-money-laundering ("AML") issues, False Claims Act defense and complex commercial litigation. Mr. Rush has defended public and private corporations, financial institutions, public officials, government contractors, energy companies, hospitals and healthcare systems who are subjects of federal and state grand jury investigations and investigations by various federal and state agencies. His representations also include defending and counseling corporations and individuals charged with violations of various federal and state statutes such as: BSA, Foreign Corrupt Practices Act, False Claims Act, securities laws, tax statutes, mail and wire fraud, healthcare fraud, environmental violations and money laundering. Mr. Rush has represented clients in matters investigated by the DOJ (including AFMLS/MLARS), FBI, IRS, FinCEN, FTC, DEA, FDA, DHS, USPS, EPA, FRB, IG offices and corresponding foreign and state agencies. Additionally, Mr. Rush has coordinated and conducted internal and special committee investigations and due diligence projects within the United States and in numerous foreign countries.

Mr. Rush assisted in the representation of a Presidential Advisor in the Independent Counsel Investigation of President Clinton. Mr. Rush served as Special Counsel to a bipartisan Pennsylvania Senate Committee on the removal of the Attorney General. He also represents the Pennsylvania House and Senate Republican Caucuses.

Energy related representative work includes representing a publicly traded midstream company in the Marcellus and Utica Shale plays, in a two year investigation of alleged violations of the Clean Air Act. The investigation commenced with the execution of a dawn raid pursuant to a search warrant. The grand jury subpoenaed numerous records both hard copy and ESI. Employees were interviewed. A parallel civil investigation was undertaken along with an OSHA inspection. Following an internal investigation which involved the retention of experts, presentations were made to the government. Although a draft indictment was presented to the company, the U.S. Attorney ultimately declined to prosecute the matter.

Mr. Rush is a former Assistant U.S. Attorney. Mr. Rush is listed in *Chambers, Best Lawyers, Acritas Stars and PA Super Lawyers*.

**3:45 – 4:30 p.m.      *Personally Identifiable Information and the Energy Industry***

**Mary L. Fullington  
Wyatt, Tarrant & Combs, LLP**

Mary Fullington is a member of the Firm's Bankruptcy & Creditors' Rights Service Team and the Firm's Data Privacy and Security Service Team. She divides her time between counseling debtors and creditors in commercial Chapter 11 cases, advising corporate clients on compliance with data privacy and security laws affecting their businesses, and assisting clients in responding to data security incidents.

Ms. Fullington has spoken to the EMLF on bankruptcy issues affecting the energy industry, but in 2018 has spoken on data privacy and security issues to members of the Kentucky Chamber of Commerce and the Chamber's 2018 Cybersecurity Conference in Lexington, KY, and to a large group of corporate counsel in Memphis, TN.

Ms. Fullington was chosen as a Fellow of the American Bar Foundation. She is listed in *Woodward/White's The Best Lawyers in America*© 2014 Lexington Litigation – Bankruptcy "Lawyer of the Year", *Woodward/White's The Best Lawyers in America*© in the areas of Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law and Litigation-Bankruptcy, 2009-2018, *Best Lawyers*® 2013 Lexington Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law "Lawyer of the Year", and *Best Lawyers*® 2012 Lexington Litigation-Bankruptcy "Lawyer of the Year." She is regularly listed as one of Kentucky's Super Lawyers and is AV rated by *Martindale-Hubbell Law Directory*. Ms. Fullington was listed as a Top Lawyer in Bankruptcy and Creditors Rights Law in *Corporate Counsel* magazine's January, 2010 Annual Guide.

Ms. Fullington earned her J.D. in 1985 and her B.A. in 1978 from Louisiana State University. She was inducted into the Hall of Fame, Louisiana State University Law Center on November 14, 1987, "in recognition of intellectual, financial or leadership qualities of a very high order."

**4:30 – 5:15 p.m.      *Cryptocurrency Capitalizations Options in the Energy Sector***

**J. Gray Sasser  
Frost Brown Todd LLC**

As co-chair of Frost Brown Todd's Blockchain and Digital Currency team, Gray regularly advises clients on the regulatory and business issues arising when cryptographic computing intersects with U.S. securities laws. In addition to serving as U.S. counsel for recent initial coin offerings launched from foreign jurisdictions, he has established several new hedge funds specializing in tokenized assets.

Prior to joining the firm, Gray served as Senior Vice President for Congressional Affairs of the Export-Import Bank of the United States. He has worked with foreign companies growing the regional economy through direct investment in the U.S., while assisting American enterprises with expanding their global footprint. An active member of the firm's International Services Group, he regularly provides strategic advice on navigating federal export and trade issues and serves on the Tennessee District Export Council.

A regular commentator and frequent speaker on regulatory developments affecting the sale of tokenized assets, Gray is an adjunct professor at Belmont University teaching classes on Chinese political economy. He previously served as chairman of the Tennessee Democratic Party and has practiced law in Nashville, Houston and Beijing with Miller & Martin PLLC and Vinson & Elkins LLP.

Gray received his J.D. from Vanderbilt University Law School, his Masters of Science from London School of Economics and his B.A. from Princeton University. He also attended the Chinese Language Center at Beijing University. He is licensed to practice in Tennessee.

**John S. Wagster  
Frost Brown Todd LLC**

John has unique experience helping U.S. companies forge cross-cultural contractual agreements around the world using industry best practices and western style contracts. John also focuses on technology-related commercial agreements with a particular interest in the automotive space, cryptocurrencies and blockchain technology. An essential element to his approach is to let the business terms, rather than the legal structure of a business opportunity, define the relationship.

John represents OEMs and suppliers in the automotive industry as they interact to build best practices and hold each other accountable in the rapidly emerging connected car/autonomous vehicle arena. He also represents blockchain developers and investors launch digital tokens through Initial Coin Offerings ("ICOs"). John has extensive experience with international transactions and serves as chair of the firm's China desk.

John has hands on experience with all types of software and technology agreements including: software development, licensing, subscription and reselling agreements; digital token and cryptocurrency; outsourcing (onshore and offshore) agreements; hosting agreements; private and public cloud infrastructure and application hosting; service level agreements; maintenance and support agreements; training and installation agreements; software acceptance procedures; commission agreements; data sharing and privacy

agreements; IT security policies (BCP and VTA); Value Added Reseller (VAR) Agreements; Original Equipment Manufacturer (OEM) Agreements; and open source software.

John joined Frost Brown Todd after serving seven years as General Counsel and EVP to Freeboarders, Inc., a California-based technology services company with offices in North America, Europe and Asia. Freeboarders, now Symbio, specializes in custom software development and consulting services. John has also served as a professional staff member of the United States Senate Committee on the Budget and as Staff Director of a Subcommittee of the United States Senate Committee on Governmental Affairs. In these positions he focused on non-Medicare health care funding and led numerous investigations in waste, fraud and abuse in federal programs including: health care reimbursement, the General Services Administration and the Department of Defense.

John received his J.D. from Georgetown University Law Center and his B.A. from the University of Mississippi. He is licensed to practice in Tennessee.

***Tuesday, June 19 – Litigation/Risk Management Track***

***8:00 – 8:45 a.m. Intersection of Natural Gas Act and Environmental/Land Use Laws***

**Robert G. (Bob) McLusky**  
**Jackson Kelly PLLC**

Bob has been practicing environmental law at Jackson Kelly for more than three decades. He has represented manufacturing and energy ventures covering a broad range of environmental issues, including defending Clean Water Act (CWA) enforcement actions in federal court and “fill” permits issued to coal, oil & gas, and pipeline operators.

He has also defended challenges under the National Environmental Policy Act (NEPA), advised “linear” energy projects on NEPA and Endangered Species Act (ESA) compliance, and defended NPDES, waste, mining, quarry, and air permits. His work has also included CERCLA cleanup actions, internal investigations of environmental compliance, environmental permitting strategies, and “Brownfields” projects to rehabilitate contaminated properties.

Bob is a 1977 graduate of Colgate University and a 1981 graduate of Washington and Lee University School of Law, where he was an editor of the Law Review. He has been listed in Woodward/White’s *The Best Lawyers in America*® since 1993, Chambers and Partners in the Natural Resources and Environmental Law practice area, and West Virginia *Super Lawyers*. Bob is a frequent speaker and writer and is a past president of the Energy & Mineral Law Foundation.

***8:45 – 9:30 a.m. Pitfalls Associated with Affiliate Transactions in the Gas Industry***

**Timothy M. Miller**  
**Babst Calland**

Timothy Miller is a shareholder in the Energy and Natural Resources and Litigation groups of Babst Calland. Mr. Miller is primarily involved in general civil litigation and has tried more than 30 significant cases to jury trial conclusion in the federal courts in both the Northern and Southern Districts of West Virginia, and numerous state courts. He has significant experience

with complex litigation before the West Virginia Mass Litigation Panel and the Supreme Court of Appeals of West Virginia. This experience includes defense of class actions and complex litigation related to royalty disputes, operating agreements, leases, natural gas contracts, commercial contracts, limited partnerships, securities claims, energy matters, flooding, environmental and chemical exposure. Mr. Miller has trial experience involving personal injuries, wrongful death, contract disputes, toxic torts, energy, timber and mineral law matters. In addition, he has provided corporate representation and consultation related to long-term supply agreements, termination of contracts and general business representation. Mr. Miller also has appellate experience before the West Virginia Supreme Court of Appeals and the United States Court of Appeals for the Fourth Circuit.

Mr. Miller maintains an emphasis on oil and gas, as well as natural resources and energy-related litigation. He has represented electric utilities, natural gas utilities, exploration and production companies, as well as land and timber owners and operators.

Mr. Miller has served as arbitrator and counsel in arbitration, mediation and litigation of contract claims, construction disputes, delay claims and changed site conditions.

Mr. Miller graduated from West Virginia University in 1977 with a B.S. in Management. He received his J.D. from West Virginia University College of Law in 1980.

Mr. Miller is admitted to the West Virginia State Bar, the United States District Courts for the Northern and Southern Districts of West Virginia, the Supreme Court of Appeals of West Virginia and the United States Court of Appeals for the Fourth Circuit. He serves as a member of the Board of Governors and chair of the Energy Law Committee of the Defense Trial Counsel of West Virginia. He is a past-president of the Energy & Mineral Law Foundation. Mr. Miller is a member of the Defense Research Institute and a former panel member of the American Arbitration Association. He is currently serves as vice-chair of the United Way of Central West Virginia and as chair of the Governance Committee.

Mr. Miller has been ranked in Chambers USA's *America's Leading Business Lawyers* in the Litigation: General Commercial Section since 2013 and the Natural Resources Section since 2014. He has been listed in *The Best Lawyers of America*® since 2007 in the Bet-the-Company Litigation, Commercial Litigation, Energy Law, Litigation – Environmental and Oil and Gas Law sections. He was also named the *Best Lawyers*®2015 and 2017 Oil and Gas Law “Lawyer of the Year” and 2018 Litigation – Environmental “Lawyer of the Year” in Charleston, W. Va. He has also been recognized as a West Virginia Super Lawyer. Mr. Miller is rated “AV Preeminent” (scoring 5 out of 5 - the highest rating for legal ability and ethical standards) by the Martindale-Hubbell Peer Review Rating System.

**9:30 – 10:15 a.m.      *Litigating Procurement Agreement Disputes***

**Brian R. Swiger  
Jackson Kelly PLLC**

Brian R. Swiger is a Member of the Energy industry group, focusing primarily on litigation, oil and gas, product liability, and workplace safety and health. He is also the Firm's Assistant Managing Member. He practices out of the Firm's office in Charleston, West Virginia.

Brian's clients include exploration and production companies operating in the natural gas industry, electric utility companies, various industrial operations, and mining, trucking and

compressed gas companies. He frequently represents clients on a variety of high-risk matters, including wrongful death, catastrophic injury, commercial, and natural resources litigation.

In recent years, he has served as lead trial counsel for defendants involved in catastrophic loss litigation throughout West Virginia, Pennsylvania, Ohio and Kentucky. He also has successfully defended clients in cases involving class actions, toxic torts, complex litigation, and mineral title disputes involving hundreds of thousands of acres. He routinely handles multi-party litigation as well, implicating issues of punitive damages, premises liability, deliberate intent, indemnification, insurance coverage, products liability, work place safety, industrial and commercial accidents, motor carrier liability, and public liability.

Brian also devotes a significant portion of his practice to clients operating in the oil and gas industry throughout the Appalachian Basin. He has served as lead trial counsel in numerous cases involving issues unique to the oil and gas industry and routinely advises clients on issues of regulatory compliance, title issues, drilling activities, fire and explosion losses, contract and lease disputes, and environmental litigation.

Brian's experience also extends to defending clients in federal and state regulatory investigations, including those brought by the Occupational Health and Safety Administration (OSHA), Mining Safety and Health Administration (MSHA), National Transportation Safety Board (NTSB), Chemical Safety Board (CSB), and the Department of Transportation (DOT) (both Federal Motor Carrier Safety Administration (FMCSA) investigations and Pipeline and Hazardous Materials Safety Administration (PHMSA) investigations).

**10:30 – 11:15 a.m. Value-based Lawyering**

**Zachary M. Simpson  
Gulfport Energy Corporation**

Zachary Simpson is Corporate Counsel for Gulfport Energy Corporation, an oil and gas exploration and production company headquartered in Oklahoma City, Oklahoma with assets in Ohio, Oklahoma, Louisiana, Colorado, and North Dakota. As Corporate Counsel, Mr. Simpson has presided over Gulfport's legal department for the past five years, where he has been responsible for advising Gulfport on all litigation, transactional, regulatory, and other legal matters incident to a publicly-traded oil and gas company. Prior to his position with Gulfport, Mr. Simpson's oil and gas experience has included time in private practice at Vorys Sater Seymour & Pease LLP and as a Division Counsel for Chesapeake Energy Corporation.

Mr. Simpson has a J.D. from Washington University in St. Louis School of Law, where he was Executive Notes & Project Editor of the *Washington University Journal of Law & Policy*, and a B.S. from Oklahoma State University, where he was the top senior in Economics.

**Danny Watson, P.E.  
Gulfport Energy**

Danny Watson currently serves as Gulfport Energy's Director of Resource Development. His primary responsibilities focus on estimating the amount of hydrocarbons underlying Gulfport's leasehold and the economic valuation of said hydrocarbons. His expertise includes, but is not limited to, SEC reserves reporting, borrowing base valuation, budgeting/guidance, expert & corporate witness proceedings, and technical reservoir engineering analysis. Mr. Watson

is a Registered Professional Engineer in the state of Oklahoma (OK 28494). He has published and presented multiple papers on a domestic and international basis. He is a contributing author to the textbook *Coalbed Methane: From Prospect to Pipeline* (Thakur et al, 2015 Elsevier Science and Technology), specifically the chapter that relates to the economic evaluation of coalbed methane wells. Mr. Watson is a member of the Society of Petroleum Engineers (SPE). He is also one of approximately 560 active worldwide members of the Society of Petroleum Evaluation Engineers (SPEE), an organization dedicated to educating members as well as the public in the areas of oil and gas reserve definitions, reserve evaluations, and fair market value. Mr. Watson received his Bachelor of Science in Petroleum Engineering from West Virginia University in 2008.

**11:15 a.m. – Noon    *When the Trains Don't Come: Suing the Railroad***

**Kevin B. Huff  
Kellogg, Hansen, Todd, Figel & Frederick PLLC**

Kevin B. Huff specializes in complex commercial and business litigation in state and federal courts throughout the United States. Mr. Huff has served as lead trial counsel in high-stakes, high-profile trials. He represents both plaintiffs and defendants in litigating cases involving business fraud and unfair trade practices, disputes arising out of business negotiations and investments, contract disputes, disputes between borrowers and lenders, creditor and debtor law, partnership disputes, accounting fraud and malpractice, securities fraud, fiduciary duty and Delaware corporate law, shareholder challenges to corporate transactions, and intellectual property.

Mr. Huff frequently represents sophisticated investors including private equity firms and their portfolio companies in litigation against all manner of opponents in a broad array of fields. He has represented investment firms in litigation against other investment firms, major banks, creditors, accounting and other professional firms, sellers in investment transactions, and shareholder plaintiffs. Mr. Huff's other clients have included hedge funds; entrepreneurial startup companies; high net-worth individuals; banks and insurance companies; and public and private corporations in communications, media and entertainment, manufacturing, energy, technology, investment, and other sectors. Mr. Huff has also represented corporate and individual clients in white collar criminal matters, including conducting internal investigations and defending clients in criminal and regulatory proceedings involving allegations of wire fraud and violation of the Foreign Corrupt Practices Act.

Prior to joining Kellogg Hansen, Mr. Huff was a law clerk for Justice Antonin Scalia of the Supreme Court of the United States, as well as for Judge Douglas H. Ginsburg of the United States Court of Appeals for the District of Columbia Circuit and Judge Denise L. Cote of the United States District Court for the Southern District of New York. Mr. Huff graduated in 1996 from Columbia Law School where he was a James Kent Scholar and a Harlan Fiske Stone Scholar, as well as an Articles Editor for the Columbia Law Review. Mr. Huff graduated summa cum laude in 1993 from the University of Utah with a major in political science and minors in economics and English.

**Kylie Chiseul Kim  
Kellogg, Hansen, Todd, Figel & Frederick, PLLC**

Kylie Kim represents clients in a variety of commercial disputes at both the trial and appellate levels. Prior to joining Kellogg Hansen, Ms. Kim served as a law clerk to the Honorable

Charles R. Wilson on the U.S. Court of Appeals for the Eleventh Circuit and to the Honorable Steven D. Merryday on the U.S. District Court for the Middle District of Florida.

Ms. Kim has a J.D. from Harvard Law School, where she was Article Editor of the Harvard Environmental Law Review and Executive Online Editor of the Harvard International Law Journal. She was also a member of the Harvard Environmental Law Moot Court Team and captain of the Willem C. Vis International Commercial Arbitration Moot Team.

**12:00 – 12:45 p.m. *Effective Use of a Company Representative in Litigation***

**John R. Conley**  
**Vorys, Sater, Seymour and Pease LLP**

John is an associate in the Vorys' Akron and Pittsburgh offices and a member of the litigation group. His practice is focused in the area of civil litigation, and John has had significant success representing suppliers, manufacturers and retailers in product liability-related cases. John is also a member of Vorys' eminent domain practice group, representing landowners in negotiations and litigation with condemners appropriating private property. John has tried numerous cases to verdict, including several high-exposure product liability cases on behalf of American and international manufacturers. John has also argued before Ohio's Fourth, Fifth, Eighth and Tenth District Courts of Appeal.

**Philip F. Downey**  
**Vorys, Sater, Seymour and Pease LLP**

Phil is a partner in the Vorys Akron office in the litigation group. His practice focuses on oil and gas litigation, toxic tort litigation and litigation in a variety of areas including environmental, financial institutions, bankruptcy, probate, product liability and general contract and commercial litigation. Phil is a member of the Akron and Ohio State Bar Associations, and has presented seminars on trial practice, regulation of oil and gas development, and toxic tort litigation.

Phil received his J.D. from The Ohio State University Michael E. Moritz College of Law, Order of the Coif and his B.A. from Rutgers, The State University of New Jersey.

***Tuesday, June 19 – Commercial/Title Track***

**8:00 – 8:45 a.m. *The New Electricity Business Model***

**James M. (Jamie) Van Nostrand**  
**Center for Energy and Sustainable Development**  
**West Virginia University College of Law**

Jamie Van Nostrand is a Professor of Law and Director of the Center for Energy and Sustainable Development at WVU College of Law. Before coming to WVU in July 2011, Mr. Van Nostrand served as Executive Director of the Pace Energy and Climate Center in White Plains, NY, which is an environmental policy and advocacy organization active on energy and environmental issues in New York and the Northeast. Before entering into law school teaching, Mr. Van Nostrand had a successful career in private law practice as a partner in the Environmental and Natural Resources practice group of large law firms based in the Pacific Northwest. In his 22-year career in private practice, Mr. Van Nostrand represented energy

clients in state regulatory proceedings in eight western states, as well as proceedings before the Federal Energy Regulatory Commission. Mr. Van Nostrand was recognized by the Energy Bar Association as its 2007 State Regulatory Practitioner of the Year. Before going into private practice, he spent five years with the New York Public Service Commission as an Assistant to the Commission for Opinions and Review and as Assistant to the Chairman.

At the WVU College of Law, Mr. Van Nostrand teaches Energy Regulation, Markets and the Environment; Environmental Protection Law; Legislation & Regulation; Siting and Permitting of Energy Facilities; the Science and Technology of Energy; Renewable Energy & Alternative Fuels; and Clean Air Act Seminar. In his role as Director of the Center for Energy and Sustainable Development, Mr. Van Nostrand is involved in various energy and environmental efforts in West Virginia and the Appalachian region, offering objective, unbiased research and policy analyses and promoting policies that strike a proper balance between the development of energy resources and protection of environment.

Mr. Van Nostrand received his LL.M. in Environmental Law from Pace Law School in May 2011, his J.D. from the University of Iowa College of Law, his master's degree in economics from SUNY at Albany, and an undergraduate degree in economics from the University of Northern Iowa.

**8:45 – 9:30 a.m.      *An Overview of Issues that Arise with Wind Development***

**Britt A. Freund  
Steptoe & Johnson PLLC**

Britt Freund concentrates his practice in mineral and energy law. He represents coal and oil and gas producers, financial institutions, and mineral owners with regard to all aspects of real property development, mineral production and sales, and finance transactions.

Britt enjoys working with clients to achieve exceptional results in resolving disputes, both in and out of court, and assists with transactions of all sizes.

Britt earned his law degree from the Duquesne University School of Law in Pittsburgh, *cum laude*. He earned a Bachelor of Fine Arts degree in musical theater from Ithaca College.

He is admitted to practice law in West Virginia, Pennsylvania and Kentucky. He is a member of the West Virginia State Bar, the Energy & Mineral Law Foundation (EMLF), the Independent Oil & Gas Association of West Virginia and the West Virginia State Bar Energy Committee.

**Dylan Lewis  
Orbital Engineering**

Dylan C. Lewis serves as Chairman of the Board, Chief Strategy Officer and General Counsel for Orbital Engineering, Inc. Since 1969, Orbital has successfully provided Engineering, Risk Mitigation, and Project Delivery services. With customers ranging from Fortune 500 companies to local municipal authorities, we have the expertise to service clients within the Mining & Metals, Energy, Oil & Gas, Chemical & Manufacturing, and Infrastructure industries. We employ over 300 engineering and support staff members, with offices in Pittsburgh, Philadelphia, Chicago, Detroit, St. Louis, and Houston. For almost 50 years, Orbital has provided the full-service engineering and risk mitigation expertise of a large

company with the flexibility, responsiveness and personal attention of a local company. Our customer-focused, problem-solving approach starts with listening to you, then developing practical, value-added solutions built on our proven experience of over 25,000 successful projects across multiple industries.

**9:30 – 10:15 a.m. Deals Gone Wrong in the Coal Industry**

**Nicholas S. Johnson**  
**Bailey & Glasser LLP**

Nick Johnson is the Commercial and Environmental Litigation Practice Group Leader for Bailey & Glasser LLP, with offices in eight states and the District of Columbia. He handles complex commercial disputes, including litigation involving business-to-business sales of equity or assets, complex financial products, valuation, leases, product liability, and sales of goods. Additionally, Mr. Johnson handles all aspects of environmental regulation for the coal industry, from permitting, to compliance, to enforcement actions.

Before returning to private practice at Bailey & Glasser, Mr. Johnson spent over half of his career in the in-house legal departments of publicly-traded coal companies including Massey Energy Company, Alpha Natural Resources, and Foresight Energy, LP. He holds degrees in both Political Science and Economics from West Virginia University, and he graduated Order of the Coif from West Virginia University College of Law, where he was the publication editor of the *West Virginia Law Review*. He lives in Arlington, VA with his wife, Sarah, and two daughters, Kate and Milly.

**10:30 – 11:15 a.m. Antitrust Law Implications for Upstream Joint Development Arrangements**

**Matthew C. Blickensderfer**  
**Frost Brown Todd LLC**

Matt helps clients solve their challenges in two principal areas: (1) commercial litigation, with a focus on antitrust litigation and counseling, and (2) appellate litigation. Matt is a member in the litigation department. Matt has handled a wide variety of antitrust litigation, including cases alleging price-fixing and other conspiracies, monopolization, tying, and exclusive dealing. His antitrust work includes cases brought by government enforcers and private plaintiffs, including class actions. He frequently consults with clients outside the litigation context on all aspects of state and federal antitrust law including price discrimination. He frequently advises clients on their relationships with competitors, their relationships with suppliers and customers, and pricing issues. His antitrust work spans many industries, including sports, manufacturing, petroleum, pharmaceuticals, automobile-related businesses, and payment services.

Matthew received his J.D., *cum laude*, from Harvard Law School and his B.A., *with highest distinction*, from Northwestern University.

He has been included in the following publications: The Best Lawyers in America® Cincinnati "Lawyer of the Year," Litigation - Antitrust, 2013 and 2018; The Best Lawyers in America®, 2013 - 2018 (Litigation-Antitrust; Commercial Litigation) Super Lawyers®, 2018 (Appellate Litigation); Cincy Leading Lawyers, Antitrust and Appellate Litigation, 2006-2018; AV® Pre-Eminent Rated, Martindale-Hubbell®; Acritas Stars®

**Michael D. Brewster, Esq.**  
**Frost Brown Todd, LLC**

Mr. Brewster is a managing associate with Frost Brown Todd, LLC in the Finance and Real Estate Practice Group. He has extensive experience representing oil and gas operators in a host of transactional matters, including financing, acquisitions, acreage trades, joint development agreements, purchase and sale agreements, large scale due diligence projects. Mr. Brewster has negotiated and drafted documents for a wide variety of commercial transactions, including asset acquisitions, divestitures, membership interest purchase agreements, asset financing, leases, and purchase and sale agreements. He has led and managed due diligence projects in the Utica and Marcellus shale ranging from 1,000 acres to over 40,000 acres. In addition, Mr. Brewster regularly counsels clients on leasing, curative issues, post-production costs, regulatory compliance, well permitting, and various other energy matters. Before joining Frost Brown Todd, Mike practiced at a national oil and gas boutique law firm, serving as counsel to clients in both the Marcellus and Utica shale plays. He received his J.D. from the University of Akron School of Law, his MBA from the University of Akron, and his B.S. in Business Management from Grove City College. Mr. Brewster has been selected for inclusion in Pennsylvania's Rising Stars® from 2013 through 2017 and has also been named among Who's Who in Energy for Pittsburgh-region Lawyers by the Pittsburgh Business Times from 2014 through 2017.

**Jeffrey Kramer**  
**Range Resources – Appalachia, LLC**

Jeff Kramer is a Pennsylvania licensed attorney with over 20 years of experience. In 1996, following his graduation from the Dickinson School of Law, he started his private practice in Washington County. His practice was committed to all the phases of land work, including basic title work and closings, complex real property litigation, jury trials, and appellate work. He also focused on oil and gas law in his private practice.

In 2008, he began working at Range Resources – Appalachia, LLC as a Staff landman, where he performed numerous land functions, with a primary area of focus in land lease acquisition. In 2013, Jeff was promoted to District Land Manager, where his responsibilities include overseeing the acquisition of all leasing for the Southern Marcellus Shale Division.

Jeff continues to be a member of the Pennsylvania and Washington County Bar Associations and is licensed by the Pennsylvania Supreme Court, The Third Circuit Court of Appeals, Western District, and continues to participate in bar functions as a representative of Range Resources within the community. Jeff is a frequent speaker at both industry and legal seminars and panels. He currently resides in Avella, PA with his wife and four sons.

**Kenneth J. Witzel**  
**Frost Brown Todd LLC**

Ken represents businesses in a range of litigation matters, such as commercial contracts, unfair competition, commercial real estate leases, trade secrets and non-compete agreements, employment law and construction law. He has successfully represented numerous businesses and individuals in federal and state court and in alternative dispute resolution proceedings.

Ken focuses his practice mainly on oil and gas and natural resources law and litigation. He has represented clients in disputes involving farm-out agreements, interconnection agreements, leasehold acquisitions, oil and gas leases, oil, gas, and coal ownership rights, tax sale deeds, surface/mineral rights, rights of way, and investments in oil and gas drilling programs.

Ken also frequently advises businesses and mineral rights owners on matters pertaining to their property interests and rights. He regularly speaks on oil and gas topics.

Ken received his law degree from the Dickinson School of Law of the Pennsylvania State University in 1998, where he served as an Articles Editor for the Dickinson Law Review. He earned his Bachelor of Arts degree in English from the University of Utah in 1995.

***11:15 a.m. – Noon Co-Tenancy and Statutory Pooling/Unitization***

**John Kevin West  
Steptoe & Johnson PLLC**

John Kevin West is Managing Member of the Columbus, Ohio, office of Steptoe & Johnson PLLC. Mr. West's practice is primarily devoted to oil and gas litigation, lease and easement transactions, and legal due diligence for acquisitions. Prior to becoming a Member at Steptoe & Johnson PLLC, Mr. West was Managing Director of External Affairs with EQT Corporation and also served as EQT's Vice President of Legislative & Regulatory Affairs and Vice President and General Counsel of EQT Production. Mr. West was partner with McCoy & West in Lexington, Kentucky, before his employment with EQT.

Mr. West is a graduate of Centre College of Kentucky and received his law degree from the University of Kentucky.

***12:00 – 12:45 p.m. Quiet Title Actions – Burdens and Benefits***

**J.C. Wilkinson III  
Wilkinson Law LLP**

Jay Wilkinson has over thirty years of experience in property title matters. His career began in the commercial real estate development arena in which he led a publicly held commercial real estate firm that focused on the adaptive re-use of historic properties. He got his start in the law as a second career at the Dickinson School of Law where he earned his J.D. degree and clerked for the Honorable Judge Kevin A. Hess, President Judge of the Cumberland County Court of Common Pleas. As an Oil and Gas lawyer he has assisted some of the top Texas based firms in expanding to meet the needs of their producer clients working in the Marcellus and Utica plays. He is licensed to practice law in the Commonwealth of Pennsylvania and the State of Ohio.

In 2012, Attorney Wilkinson co-authored the first edition of Pennsylvania Oil and Gas Law and Practice, the only Pennsylvania specific treatise in this subject area, published by the George T. Bisel Company, Inc. (2012). [www.bisel.com](http://www.bisel.com)

His practice focuses primarily on title research and opinions relating to oil and gas, real

property, and other mineral interests. He has served as lead counsel and second chair in Actions to Quiet Title that involve the disputed ownership of Subsurface rights in courtrooms across Pennsylvania. He offers his services pro-bono to many mineral owners who cannot afford legal services and volunteers often as a presenter on unique oil and gas title issues for the Pennsylvania Bar Institute.

Jay grew up in center-city Philadelphia and received his undergraduate degree from Dickinson College with a major in Economics and a minor in Geology. He enjoys spending time with his wife Laurie and young son Ayden as well as traveling, hiking, fishing, cycling and the occasional round of golf. His hobbies include researching the history and nature of original land titles, fine wood-working, and the restoration of classic cars.

Professional Memberships: Pennsylvania Bar Association – Shale Energy Law Committee, American Association of Professional Landman and the Energy & Mineral Law Foundation.

**Eddie Wagoner  
Goddard & Wagoner**

West Virginia lawyer, Eddie Wagoner, regularly handles cases involving oil and gas ownership and lease disputes; auto accident litigation; employment; and nursing home abuse and neglect. In addition, he has assisted oil and gas owners and producers in the negotiation and acquisition of oil and gas interests throughout the Appalachian basin.

Originally from Ohio, Wagoner earned his bachelor's degree in history from Columbia University and his law degree from The Ohio State University. Prior to forming Goddard & Wagoner, PLLC, he was of counsel to a Texas-based oil and gas firm and worked in the litigation department of one of the largest law firms in West Virginia. Wagoner is licensed to practice in West Virginia, Ohio, and Pennsylvania and routinely handles claims in all three states.

Wagoner and his wife, Alana, live near Morgantown with their children, Benji and Winnie, and their two dogs, Sloopy and Garcia. When the litigation attorney is not practicing law, he enjoys watching Ohio State sports and fishing, hiking and snowboarding throughout West Virginia and Western Pennsylvania.

Wagoner has been recognized as a Rising Star by Super Lawyers and by the National Trial Lawyers as a Top 100 Trial Lawyer.