

Energy & Mineral Law Foundation
Kentucky Mineral Law Conference 2016
October 19-20, 2016

Speakers' Biographies – In Order of Speaking

General Session – Wednesday, October 19, 2016

Keynote Address

Charles G. Snavely
Kentucky Energy and Environment Cabinet

Charles G. Snavely was appointed by Gov. Matt Bevin as Secretary of the Kentucky Energy and Environment Cabinet in December 2015. Mr. Snavely is a graduate of Virginia Polytechnic Institute and State University with a B.S. in Mining Engineering and has recently completed the Executive MBA Program through a joint program of the University of Kentucky and the University of Louisville.

Mr. Snavely retired from the mining industry after more than 35 years, having served as a mine engineer and later president of several large coal companies in southeast Kentucky. He most recently was Executive Vice President of Operations for International Coal Group and President of Eastern Operations for Arch Coal, Inc.

He is past chairman of the Board of Directors of the Kentucky Coal Association. He has received the Distinguished Alumnus Award from the Virginia Tech Department of Mining Engineering.

“Fossil Fuels and the Presidency: Policy, Politics and Poppycock”

Daniel W. Wolff
Crowell & Moring LLP

Dan Wolff is a trial and appellate litigator in Crowell & Moring's Washington, D.C. office, where he chairs the firm's Administrative Law & Regulatory Practice. Dan's practice is heavily concentrated on litigation arising under the Administrative Procedure Act transcending multiple practice areas, including mining and oil and gas. To this end, Dan frequently teams with attorneys from across the spectrum of Crowell's regulatory practices as the go-to first-chair litigator for confronting arbitrary and capricious government action.

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“Renewables – Coming to a Grid Near You!”

Elizabeth Turgeon Schindzielorz
Robinson & McElwee PLLC

Ms. Schindzielorz's practice is focused primarily in environmental law. With experience handling solid and hazardous waste, water, and air issues, Ms. Schindzielorz assists corporate clients in regulatory and permitting matters involving the United States Environmental Protection Agency and the West Virginia Department of Environmental Protection, as well as in environmental litigation cases.

Ms. Schindzielorz monitors developments in the law for various trade associations. As a member of the West Virginia Manufacturing Association's Environmental Safety & Health Committee, she provides the group with updates pertaining to hazardous waste issues. In 2015, Ms. Schindzielorz delivered a joint presentation to the West Virginia Recyclers' Association on home rule implementation and implications for recyclers. Additionally, she has authored or co-authored several articles on environmental law issues, including publications in the North Carolina Journal of Law & Technology and the West Virginia Law Review.

Ms. Schindzielorz's practice also includes representing public utilities in proceedings before the West Virginia Public Service Commission; defending corporate clients in civil litigation in both federal and state courts; and providing government relations services. She has assisted in drafting legislation at the state level (including the 2016 West Virginia "Brunch Bill") as well as comments to proposed federal and state regulations on behalf of clients.

Prior to joining Robinson & McElwee in 2013, Ms. Schindzielorz lived in Raleigh, North Carolina. She is a "double-Tarheel," having received both her undergraduate and juris doctor degrees from the University of North Carolina. She holds a B.A. with Honors and Distinction in English, and minors in Environmental Studies and Music.

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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 spent three years as a member of the adjunct faculty at Pace Law School in White Plains, New York, and Executive Director of the Pace Energy and Climate Center, 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.

Mr. Van Nostrand has taught courses in energy and regulated industries, environmental law, emissions trading, administrative law and business associations in various capacities at Lewis & Clark Law School, the University of Tennessee College of Law, the University of Iowa College of Law, and Pace Law School. He has published and lectured widely on emissions trading and strategies for reducing greenhouse gas (GHG) emissions, climate change, energy policy, renewable energy, utility rates and electric restructuring plans, and utility mergers and acquisitions. 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.

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Mark “Buzz” L. Belleville
Appalachian School of Law

Professor Belleville has played a central role in the development of ASL's natural resources law emphasis. He coaches moot court teams at major competitions in environmental law and energy law, and has served as faculty advisor for ASL's Natural Resources Law Journal, the Environmental Law Society, and the Energy and Mineral Law Society. Professor Belleville represented ASL in a successful Solar Pathways grant application made by a consortium of Virginia colleges to the Department of Energy seeking to facilitate the deployment of solar installations at non-profit entities. He developed and supervised a live client clinic focused on legal and regulatory work associated with solar energy deployment for colleges, communities and non-profit organizations. Professor Belleville represents ASL with the Energy and Mineral Law Foundation, serving on EMLF's scholarship and law school committees, and regularly presenting at EMLF's annual conferences.

Professor Belleville spent the 2015-2016 academic year as the Energy Law and Policy Teaching Fellow at the University of California Berkeley School of Law, teaching Energy Law and Policy and the Law of Renewables. He has also taught Natural Resources Law and Policy at Virginia Tech University as part of its Masters in Natural Resources program.

Before coming to ASL, Professor Belleville practiced for 10 years as a business litigator and counselor with Woods Rogers PLC in Blacksburg, Va., and Calfee, Halter & Griswold LLP in Cleveland and Columbus. His litigation practice focused on commercial contract disputes, environmental litigation, business torts, labor litigation, and premises liability. On behalf of a utility client, Professor Belleville obtained the first summary judgment in Ohio in defense of a premises liability asbestos claim, and helped draft significant asbestos reform legislation. He has also successfully defended multi-million dollar enforcement actions under both the Clean Air Act and the Clean Water Act on behalf of municipal and industrial clients. He is licensed to practice in Pennsylvania, Ohio, and Virginia.

Professor Belleville has written and given significant presentations on topics that include renewable energy law, the science of climate change for lawyers, fracking regulations, state solar energy regulation, wind energy, carbon regulation, incentives for renewable energy and efficiencies, careers in energy and mineral law, the law of climate change, protecting agribusinesses from liability, and liability issues associated with hiking trails.

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John P. Malloy
LG&E and KU Energy LLC

John P. Malloy was named to his current position of Vice President, Customer Relations in February 2013. He has 36 years of experience in the electric and natural gas industry.

Malloy began his career as an Instrument/Electrical technician for Louisville Gas and Electric Company. He held many diverse positions in the generation sector including Station Operator, Material Handling Specialist, Senior Instrument/Electrical Supervisor, Manager of Resource Project Management, Plant Maintenance Manager, Director of Generation Services, and Vice President – Energy Delivery Retail business / Natural Gas Operations. In his prior role, he managed the customer services business as well as natural gas storage and operations. As Director of Generation Services, he managed strategic long range planning initiatives such as supply-side resource assessments, supply-side expansion planning, as well as led strategy development on global warming and environmental planning. He also led the E.ON U.S. international fossil generation efforts for Operational Excellence. His current position as Vice President, Customer Services has wide ranging responsibilities for the "customer relationship," including metering, customer call center operations, marketing, revenue collection, economic development, and regional business offices. He is also responsible for the company's Smart Grid strategic direction, energy efficiency strategy and operations, and corporate real estate.

Malloy has a Bachelor's of Science degree in Finance and a Master of Business Administration from Indiana University. Additionally, he has completed the E.ON Senior Leadership Program at the International Institute for Management Development (IMD) in Lausanne, Switzerland.

He is Chairman Emeritus of the Louisville Gas and Electric Company Credit Union. In this role, he has received the Friedrich Raiffeisen Award, the Bergengren Award, Filene Award and the Herring awards for Financial Excellence from the Credit Union National Association. He also resides on the Board of Directors of the Kentucky Association of Manufacturers, the Louisville Orchestra, Leadership Kentucky Foundation, the Catholic Education Foundation, the Spalding University Board of Trustees and the Boy Scouts of America. Lastly, he was appointed by Governor Beshear to the Kentucky Grape and Wine Council under the Department of Agriculture.

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“Energy Law Update”

Carrie J. Lilly
Bowles Rice LLP

Carrie Lilly is a partner in the Morgantown, West Virginia, office of Bowles Rice, focusing her practice on mineral law, real estate, and business transactions. She previously served as General Counsel to Mepco LLC, a coal company based in Morgantown, from 2008 to 2013, and she worked as an associate at Bowles Rice from 2005 to 2008.

Carrie is a licensed patent attorney by the United States Patent & Trademark Office, and a licensed West Virginia real estate broker.

In 2012, Carrie received her master's degree in Business Administration from West Virginia University. She earned her law degree in 2005, and her Bachelor of Science degree in mining engineering, *summa cum laude*, in 2002, from West Virginia University.

Carrie serves as a member of the West Virginia University Department of Mining Engineering Visiting Committee, and is a member of the West Virginia University Mineral Resources Alumni Chapter. She is also a member of 2016 class of Leadership West Virginia.

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“ Cyber and Physical Security Lessons Learned from the Electric Industry”

Joel deJesus Dinsmore & Shohl LLP

Joel is a member of Dinsmore's Corporate Department and has practiced energy law for nearly 25 years both as an outside counsel and in various in-house positions. His focus has been on providing regulatory advice and representation to companies before the Federal Energy Regulatory Commission on a wide variety of matters in both the electricity and natural gas industries. In particular, in recent years, he has been actively involved in the development of electric transmission and wholesale electricity markets. Joel has also provided regulatory support to energy transactions such as power purchase agreements, generator and transmission interconnection, energy mergers and asset sales.

His practice has also included a specific emphasis on electric reliability regulation resulting from the Energy Policy Act of 2005. His previous experience working in-house with utilities and as Director of Compliance Enforcement for the North American Electric Reliability Corporation (NERC) provides him with a unique insight into this relatively new but essential element of energy regulation. Joel assists with assessing and commenting on new reliability standards, advising clients during audits and investigations, developing mitigation plans and compliance programs, and representing clients in enforcement actions. He also advises clients on cyber security, an increasingly significant component of energy reliability standards.

Prior to joining NERC, Joel was Assistant General Counsel for the Federal Regulation at National Grid, where he managed National Grid's legal activity at the Federal Energy Regulatory Commission (FERC), the U.S. Department of Energy and other federal agencies. Joel also has extensive experience in the telecommunications industry, including serving as the Vice-President of Regulatory Affairs for Utilicom Networks.

Joel's significant experience is a valuable asset for Dinsmore's energy and telecommunications sector clients. Having focused his practice largely on energy and telecommunications law and regulation, Joel's experience also includes participating in matters before the Federal Energy Regulatory Commission, the Federal Communications Commission, the Department of Energy, the Canadian National Energy Board and various state regulatory commissions.

Joel received his J.D. from the University of Chicago Law School and his B.A. from Cornell University. He has been listed in *The Best Lawyers in America*® for Energy Law.

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“FAST or Slow: Streamlined NEPA Review for Projects”

Timothy J. Hagerty
Frost Brown Todd LLC

Tim Hagerty is a Member of Frost Brown Todd LLC, in Louisville, Kentucky, where he concentrates his practice in environmental and natural resources law, with an emphasis on the energy, natural resources, manufacturing, and transportation sectors. Over his twenty-two year legal career, Mr. Hagerty has assisted clients in obtaining and defending permits under the Clean Water Act, the Surface Mining Control and Reclamation Act, and related federal and state environmental and resource protection laws for projects ranging from large surface coal mines to coal-fired electric generating plants to oil and gas operations. Mr. Hagerty has also provided counsel on the development, construction, and operation of large-scale commercial developments, master planned communities, major highway and transit projects, and even riverboat casinos. His professional experiences include providing both compliance counseling and representation in litigation at the administrative, trial, and appellate court levels. Mr. Hagerty also has extensive experience assisting public and private clients in complying with the National Environmental Policy Act (NEPA), the Endangered Species Act, the Clean Air Act, the National Historic Preservation Act, and related resource review requirements.

Mr. Hagerty is a frequent speaker at regional and national conferences and seminars regarding the Clean Water Act, SMCRA, NEPA, and related environmental laws. Mr. Hagerty currently serves as the Treasurer of the Energy and Mineral Law Foundation. He chairs the Environment and Energy Committee of Greater Louisville, Inc., the Metro Chamber of Commerce, and is the former chair of the Kentucky Chamber’s Energy and Environmental Council. Before joining Frost Brown Todd, Mr. Hagerty practiced environmental law with Beveridge & Diamond, P.C., in Washington, D.C.

He is a graduate of the Yale Law School and the University of Louisville.

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Emily C. McKinney
Frost Brown Todd LLC

Emily McKinney is a managing associate in the Louisville, Kentucky office of Frost Brown Todd, and a member of the firm’s environmental practice group. She represents clients in a variety of environmental litigation matters in state and federal courts and before administrative agencies, including permit appeals, government enforcement actions, and environmental citizen suits. Ms. McKinney also provides regulatory counseling involving the Clean Water Act, Clean Air Act, Resource Conservation and Recovery Act (RCRA), and National Environmental Policy Act (NEPA), and assists clients in the purchase and sale of property involving potential environmental contamination. Her practice focuses on the energy, natural resources, manufacturing, and transportation industries.

Ms. McKinney earned her J.D. from the University of Chicago Law School and her B.S. in Biology from the University of Kentucky.

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“Alcohol and Drug Addiction: Ethical Issues with Impaired Attorneys:

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

John M. Williams is a native of Loyall in Harlan County, Kentucky, and a partner in Rajkovich, Williams, Kilpatrick & True, PLLC, in Lexington, Kentucky. John graduated from the University of Kentucky College of Business & Economics with a Bachelors of Business Administration (Finance) in 1984 and received his Juris Doctor from the University of Kentucky College of Law in 1987. He is a member of the Kentucky, Fayette County (Kentucky), American and Federal Bar Associations.

John has represented mine operators throughout the country in mine safety matters and regularly practices before the Federal Mine Safety and Health Review Commission. John has also extensive civil litigation experience in federal and state courts throughout Kentucky. He is AV® Rated—Preeminent by Martindale Hubbell and a Super Lawyer® by Thompson Reuters.

John is a longtime volunteer counselor for the Kentucky Bar Association Lawyers Assistance Program where he also serves as a Trustee for the Kentucky Lawyers Assistance Program Foundation. He was the Kentucky Lawyers Assistance Program’s Volunteer of the Year for 2015. John was also awarded the University College of Law’s Community Service Distinguished Alumni Award for 2015.

John is a frequent speaker on mine safety topics and also speaks to various groups on issues related to attorney impairment and addiction.

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“Corporate Counsel Roundtable”

**M. Shane Harvey
Jackson Kelly PLLC**

M. Shane Harvey is a Member in Jackson Kelly’s Charleston, West Virginia, office where he is Leader of the Environmental Practice Group and also Leader of the Coal Industry Group. Mr. Harvey has more than a decade of experience as in-house counsel and general counsel for energy companies including working closely with operations and providing guidance on personal injury litigation, environmental compliance, public affairs and health and safety compliance. He has represented energy clients since the beginning of his legal career.

Mr. Harvey graduated *summa cum laude* in finance (where he was first in his class) from Virginia Tech in 1991. After receiving his Bachelor’s Degree, he received his Juris Doctor in 1994 from the West Virginia University College of Law, where he was an editor of the National Coal Issue of the *West Virginia University Law Review*. Before entering law school, Mr. Harvey worked as an analyst for Goldman Sachs International in London, England.

Mr. Harvey is admitted to practice before the state courts of West Virginia, as well as the U.S. District Court for the Southern District of West Virginia, the West Virginia Supreme Court and the

U.S. Supreme Court. Mr. Harvey is a Trustee for the Energy & Mineral Law Foundation and coaches youth sports in Putnam County, West Virginia.

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Andrew B. McCallister
Alpha Natural Resources Holdings, Inc.

Drew is Senior Vice President, General Counsel and Secretary of Alpha Natural Resources Holdings, Inc. ("ANR"). ANR is a producer of metallurgical and thermal coal in Central Appalachia. He has held various positions with the company and its predecessor, including Senior Vice President, environmental affairs and Assistant General Counsel. Before joining ANR, Drew was Assistant General Counsel at Patriot Coal Corporation with a focus on environmental issues. Drew began his legal career at Spilman Thomas & Battle, PLLC in Charleston, West Virginia. Drew graduated from West Virginia University with a B.A. and obtained a M.A. in History from the University of Georgia before graduating from the Washington & Lee University School of Law.

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Elizabeth E. Nicholas
Blackhawk Mining LLC

Elizabeth Nicholas is the General Counsel and Corporate Secretary for Blackhawk Mining LLC. Blackhawk is a privately owned coal mining and marketing company headquartered in Lexington, Kentucky. The company operates mining complexes across West Virginia, Kentucky, and Indiana. Elizabeth joined Blackhawk in September 2010 and focuses her practice primarily in the areas of mineral transactions, mergers and acquisitions, corporate compliance, and employment matters. Prior to joining Blackhawk, Elizabeth was an associate at Jackson Kelly PLLC in the Lexington, Kentucky office.

Elizabeth attended the University of Kentucky where she received her B.A. in Finance, *magna cum laude*, in 2001, M.B.A in 2003 and J.D. in 2007, where she graduated *magna cum laude* and Order of the Coif, was a Notes Editor for the Kentucky Law Journal and authored *Drafting Enforceable Non-solicitation Agreements in Kentucky*, 95 Ky.L.J 505 (2007). She is admitted to practice in Kentucky.

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David W. Wagner
CONSOL Energy Inc.

Dave Wagner is Senior Counsel for CONSOL Energy Inc., a publicly owned Pittsburgh-based producer of natural gas and coal. Dave joined CONSOL in 2014 and focuses on environmental matters, including litigation, regulatory compliance, and transactions. He also advises on commercial law and government affairs.

Prior to joining CONSOL, Dave alternated between private practice and the federal government.

Most recently, he was with Reed Smith LLP in Pittsburgh. He also worked as an attorney for several years at the Office of General Counsel at the U.S. Environmental Protection Agency in Washington, as an associate with Beveridge & Diamond, P.C. in Washington, DC, and as a foreign affairs officer with the U.S. Department of State.

During this time, he spent nearly a decade as an Adjunct Professor teaching environmental law at the University of Pittsburgh School of Law and at the University of Maryland School of Law.

Dave received his J.D. from the Washington College of Law at the American University where he was a member of law review. He also received his B.S. (Public Health) from the Pennsylvania State University and a M.A. (Environmental Policy) from the George Washington University. He is admitted to practice in Pennsylvania and the District of Columbia.

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Thursday, October 20, Track 1

“The EPA’s Growing Influence Over State and Federal Section 404 Permits”

Karen C. Bennett
Clark Hill PLC

Karen C. Bennett is a Member in the firm’s Washington, D.C. office in the Environment, Energy & Natural Resources practice group where she represents clients on environmental and administrative law matters, focusing primarily on permitting, compliance, litigation and legislative and regulatory policy under the Clean Water Act (CWA), the Surface Mining Control and Reclamation Act (SMCRA), the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), and the the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Karen is recognized as a skilled strategist, with expertise in obtaining federal approvals for complex projects that face multi-front regulatory hurdles and public scrutiny, with special emphasis on the U.S. Army Corps of Engineers and the Advisory Council on Historic Preservation.

Prior to entering private practice, Karen was Vice President for Environmental Affairs at the National Mining Association (NMA), the Washington, D.C. based trade association that represents the coal and hardrock mining industry before Congress, the Administration, and regulatory agencies. Karen earned her J.D. from the University of Denver, College of Law, where she was the Editor of the Water Court Reporter, and is licensed to practice in the District of Columbia.

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“Jurisdictional Determination and Due Process Under the Clean Water Act”

Allyn G. Turner
Steptoe & Johnson PLLC

Allyn Turner concentrates her practice in the areas of environmental law, environmental litigation, and environmental policy issues. Ms. Turner is a frequent speaker on CWA and environmental issues. Her practice involves state and federal water issues, NPDES permitting, CWA Section 404 permitting and 401 issues, SMCRA, oil and gas permitting and compliance, and natural resource issues. She represents energy, industrial, municipal and commercial interests. Ms. Turner also has extensive regulatory experience, having previously served as Director of the West Virginia Department of Environmental Protection's Division of Water and Waste Management as well as the Department's Managing Attorney for its Office of Legal Services.

Ms. Turner is a graduate of the University of Virginia with a B.A. in Environmental Sciences, and holds a law degree from Wake Forest University School of Law.

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“EPA’s Energy Extraction Regulatory and Enforcement Initiative”

Colin G. Harris
Faegre Baker Daniels

Colin Harris is a legal and business advisor on regulatory, litigation and governmental enforcement matters in industry sectors focusing on energy, oil and gas, pipelines, and natural resources. Clients trust Colin with their most high-value and business sensitive matters. For example, in 2015, two pipeline companies hired Colin to represent them in separate nationally-publicized pipeline ruptures impacting waterways. He leads the continuing response, agency negotiations, internal investigations, legal defense and board-level strategy. The tasks include crisis management, claims by multiple state and federal agencies, and pipeline safety issues. Colin’s in-depth operational knowledge of the upstream and midstream business sectors and his broad environmental legal expertise brings a unique multi-disciplinary focus to these and similar cases, allowing for efficient organization of a short- and long-term winning strategy.

As a recognized stalwart of the air quality regulation and enforcement bar, with significant litigation and permitting experience, Colin is actively engaged on behalf of several companies seeking to minimize exposure to high-profile government enforcement and rulemaking initiatives. For example, two major producers in the Bakken shale play (North Dakota) hired Colin in 2015 to counsel and defend them in separate investigations and agency negotiations concerning the national energy extraction air quality enforcement initiative. They trust his business-savvy legal advice in the face of difficult operating conditions posed by commodity price declines and volatility. Colin handles air matters for upstream and midstream operators in multiple Western states, and for a major refiner, and has specialized expertise in “Indian Country.”

Colin is at the forefront of environmental law and policy in other areas that will challenge energy clients in 2016 and beyond. He is currently handling a case involving allegations of drinking water aquifer contamination from drilling operations in the Marcellus (Pennsylvania) shale play. He is defending a case where EPA has invoked the little used “General Duty Clause” of the Clean Air Act regarding a well pad fire in New Mexico. He has practical experience with agency

“next generation” enforcement and monitoring methods, such as infrared camera imaging. Colin has been engaged as appellate counsel in two of the only six appeals ever filed of PHMSA final orders in pipeline safety cases. He is currently defending two major natural resource damages cases, in Montana (oil spill) and Missouri (mining).

Colin’s goal in every case, large or small, is to partner with his clients in courtroom, regulatory, investigative and boardroom settings to solve problems and crises in a pragmatic, responsive and cost-effective way, so that his clients can sleep well at night.

Colin received his J.D. from American University Washington College of Law and his B.A. from the University of Colorado.

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“NORM and TENORM: Are We Heading for a New Legal Normal?”

Brandon C. Nuttall, Geologist Kentucky Geological Survey, University of Kentucky

Brandon Nuttall is a Kentucky Registered Professional Geologist who received a B.S. in Geology from Eastern Kentucky University in 1975 and began his career evaluating coal reserves in western Kentucky. In 1978, he joined the Kentucky Geological Survey, a research and public service center at the University of Kentucky. In 38 years at the Survey, he has designed, implemented, and continues to supervise the computerized Kentucky oil and gas well record data base that is the foundation for the Kentucky online oil and gas well data and mapping services. In addition to tracking oil and gas drilling activity and public service duties, he is involved with a variety of subsurface mapping and research projects including oil and gas resource assessment, carbon sequestration, reservoir evaluation for enhanced oil recovery, shale gas production, and enhanced gas recovery in shale. Recent publications have examined the Devonian New Albany Shale in the Kentucky Geological Survey deep research well, Hancock County, western Kentucky and production volumes of Kentucky oil and gas wells. He assists other Survey researchers with GIS, GPS, computer software, and statistics applications. He has served on statewide committees to formulate policy and regulations for coalbed methane development and carbon storage in Kentucky. He serves as a technical liaison to the Secretary of the Kentucky Energy and Environment Cabinet for hydrocarbon resource and development issues and is a member of the EEC/CHFS Oil and Gas Workgroup working to formulate recommendations to the Kentucky General Assembly for handling and disposal of TENORM-contaminated oil field waste.

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Karen J. Greenwell Wyatt, Tarrant & Combs LLP

With over 30 years of legal experience in the mineral and energy industries, Ms. Greenwell has assisted coal, oil, gas and energy industry clients with all manner of transactions, including leasing matters, asset acquisitions and divestitures, corporate mergers and stock acquisitions, and bankruptcy sales. Her experience in litigating property and contract and business tort

disputes, gives her an unusual breadth of experience and perspective in dealing with issues affecting mineral and energy industry clients. She is a Trustee of the Energy & Mineral Law Foundation, a member of the Board of Directors of the Kentucky Oil and Gas Association and is the chair of its legal committee. She is an adjunct professor at the University of Kentucky College of Law, teaching courses in energy law and policy. She has been included in Woodward/White's 2007-2016 editions of *The Best Lawyers in America*® in Mining and Natural Resources Law and has been repeatedly recognized by her peers in *Kentucky Super Lawyers*.® She was Best Lawyers' 2012 Lexington Natural Resources Law Lawyer of the Year and Best Lawyer's 2013 Lexington Mining Law Lawyer of the Year. She has been identified as one of the "Leaders in Their Field" by Chambers USA-Americas Leading Lawyers for Business.

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William G. Barr III
BlackRidge Resource Partners LLC

William G. Barr III is a co-founder and has served as a Managing Partner of BlackRidge Resource Partners LLC since its formation in April 2011. Prior to co-founding BlackRidge, he served as a Vice President of NGAS Resources, a public company trading on NASDAQ, from 2004 until his appointment as an Executive Vice President in 2010 and as a Vice President of NGAS Production, Inc. (formerly named Daugherty Petroleum, Inc.) from 1993 until being appointed its Chief Executive Officer in 2005. Mr. Barr has more than 40 years of experience in the corporate and legal sectors of the oil and gas industry. Before joining NGAS Production, he served in senior management positions in a major Illinois Basin independent exploration and production company and built a significant natural resource law practice.

Mr. Barr currently serves as a member of the Board of Directors of the Independent Petroleum Association of America and a Governing Member Trustee for the Energy & Mineral Law Foundation. He is a past president of the Kentucky Oil and Gas Association ("KOGA"), and serves as a member of its Board of Directors and as Chairman of its Governmental Affairs Committee. Mr. Barr is also actively involved in community affairs, currently serving as Chairman of the Saints Peter and Paul School Council, and is past Chair of LexArts, Lexington's catalyst for creating a progressive and innovative community inspired by the arts. Bill is also a co-founder and a Managing Partner of BlackRidge Stables LLC, a thoroughbred racing and breeding venture that includes ownership interests in California Chrome (winner of the 2014 Kentucky Derby and the 2016 Dubai World Cup) and Cathryn Sophia (winner of the 2016 Kentucky Oaks).

He received a Juris Doctor from the University of Kentucky, Lexington, Kentucky.

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"2016 Pipeline Safety Legislation and Regulatory Update"

Brianne K. Kurdock
Babst Calland

Brianne K. Kurdock is a shareholder in Babst Calland's Energy and Natural Resources Group and Pipeline and HazMat Safety Practice in Washington, D.C. Ms. Kurdock represents clients

in pipeline safety matters at the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA), state commissions, and the federal courts. Her nationwide practice covers compliance and strategic counseling, audit preparation, incident response, enforcement proceedings, regulatory comment preparation, and litigation. Ms. Kurdock has significant experience in these areas as a former PHMSA attorney and regulatory counsel to the Interstate Natural Gas Association of America, an industry trade association. She has experience in all sectors of the pipeline industry, including gas transmission, gathering, distribution, oil, natural gas liquid, and product pipelines, liquefied natural gas facilities, and products and chemicals terminals. Ms. Kurdock also has experience in handling environmental regulatory issues affecting pipeline construction and operational activities.

Ms. Kurdock earned her B.A. from the University of Virginia in 2000. She received her J.D. from Seton Hall University School of Law in 2005. Ms. Kurdock is admitted to practice before the New York and New Jersey state bars, the District of Columbia (*pending and supervised by a member of the D.C. Bar*), and the U.S. District Court for the District of New Jersey. She received the U.S. Department of Transportation's General Counsel's Superior Achievement Award, the PHMSA Administrator's Team Eagle Award, the PHMSA Administrator's Superior Achievement Award, and the New Jersey Superior Court's Certificate of Commendation.

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“Natural Gas Liquids Contract Terms”

Dwight A. Howes Reed Smith LLP

Dwight is a member of Reed Smith's Energy & Natural Resources Group. His practice focuses on oil and gas transactions, including leasing issues, joint ventures, farmout agreements, transportation and processing agreements, joint operating agreements, oilfield master service agreements, and acquisition, construction, and disposition of mid-stream assets. Dwight also has pipeline safety regulatory experience, and has assisted clients with developing and implementing pipeline safety integrity management programs, and in responding to notices of probable violation of pipeline safety regulations from PHMSA and state pipeline safety enforcement agencies.

As part of his energy practice, Dwight has worked on multiple Marcellus and Utica Shale deals regarding lease rights, joint ventures, and mid-stream asset transactions.

With respect to matters other than oil and gas, Dwight represents clients in negotiating uranium purchase, conversion, and enrichment agreements; nuclear fuel fabrication contracts; coal and limestone supply contracts; gypsum sales contracts; ash sales and disposal contracts; and related rail/ barge transport agreements.

Dwight also works on EPC contracts for power plant and other construction projects, mergers and acquisitions, sales and acquisitions of capital medical equipment, international transactions, and corporate governance issues (such as ethics and compliance programs).

Dwight received his J.D., with honors, and B.A. from George Washington University Law School. He was recognized by the *Pittsburgh Business Times* in its “Who's Who in Energy” list (2014 and 2015).

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“Nuisance Claims – Air Emissions, Noise, Earthquakes and Water Contamination”

Kara S. Eaton Frost Brown Todd LLC

Kara Eaton concentrates her practice in litigation with a particular emphasis on serving the needs of the energy industry. She has represented numerous oil and gas companies in a wide variety of litigation matters, including contract disputes, lease disputes, quiet title actions, trespass and nuisance actions, and mechanics' lien claims. Her experience also includes handling oil and gas related transactional, due diligence, and title matters in the Marcellus Shale. In addition to her work in the energy industry, Kara has significant experience handling tort and mass litigation claims. She has coordinated the defense of clients facing mass exposure claims across multiple jurisdictions.

Kara holds a B.A. from Washington & Jefferson College and a J.D. from Duquesne University School of Law.

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Andrew G. Jenkins Frost Brown Todd LLC

Andrew is a litigator who primarily serves the needs of the energy industry. Among many other engagements, he has represented a multitude of oil and gas exploration and production companies in a variety of lease disputes, business disputes, land ownership disputes, employment matters, and mechanics' lien claims. Andrew has extensive experience prosecuting curative litigations, particularly those pursued under the Pennsylvania Dormant Oil and Gas Act. He has also guided oil and gas companies through a multitude of interactions with various state and federal agencies.

Andrew has significant experience outside the industry, as well. He has represented a large international corporation in claims of defective design and fraud, multiple architects and engineers in various disputes, a medical professional facing the dissolution of his partnership, multiple project owners in construction disputes, and the world's largest steel-producing company in personal injury claims asserted by facility employees.

Before joining FBT, Andrew worked with two Pittsburgh law firms. He has been recognized in 2010, 2011, 2012, 2013, 2014 and 2015 as a Rising Star by *Super Lawyers*® magazine, an honor limited to the top 2.5 percent of young attorneys in the state.

Academically, Andrew earned his J.D., *cum laude*, from the University of Pittsburgh in 2003. He received his B.A. from Pennsylvania State University in 2000.

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Thursday, October 20, Track 2

“Bad Faith Trespass to Oil & Gas: Standard Under *Sabella v. Appalachian Dev. Corp.*”

Brian J. Pulito
Steptoe & Johnson PLLC

Brian Pulito is a Member of Steptoe & Johnson PLLC meeting clients' needs from the firm's Meadville, PA office as well as its Southpointe office located in Canonsburg, PA. His legal practice focuses in the areas of eminent domain proceedings, construction litigation, midstream litigation, oil, gas and mineral law litigation, and insurance litigation. He has tried cases in both state and federal court. Additionally, he has argued cases before both state and federal appellate courts. Mr. Pulito has also written and spoken extensively on the law of oil and gas. He earned his law degree from Syracuse University and his undergraduate degree from Gannon University. Mr. Pulito joined Steptoe & Johnson in 2010.

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Nathaniel I. Holland
Steptoe & Johnson PLLC

Nathaniel Holland is a Member of Steptoe & Johnson PLLC in Meadville, Pennsylvania, where he assists clients with business transactions and litigation involving the oil and gas industry. He has spoken to legal and industry groups on numerous oil and gas issues, including pooling, royalty disputes, title problems, and midstream development. Mr. Holland is a member of the Pennsylvania Bar Association and American Association of Professional Landmen. He graduated from Cornell Law School and received his undergraduate degree from Princeton University. He is admitted to practice law in New York, West Virginia, and Pennsylvania.

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“When Non-Operators Fail to Pay: Issues Arising Under Joint Operations”

Gregory D. Russell
Vorys, Sater, Seymour and Pease LLP

Greg is a partner in the Columbus office and leads the firm's energy group, one of the largest and most experienced energy practices in the Midwest. For more than 20 years, he has been advising producers and pipeline operators in Ohio on business and regulatory matters, ranging from asset transactions, to unit operations and development, to leasehold and royalty disputes. Greg's practice frequently involves appearing before state and federal regulatory agencies, such as state oil and gas and public utility commissions as well as U.S. EPA and the Federal Energy Regulatory Commission.

Greg is an adjunct professor at The Ohio State University Moritz College of Law, teaching a course on oil and gas law. He is also a frequent speaker on a broad range of topics

impacting the natural gas industry, including oil and gas leasing and contract matters, regulatory (e.g., pooling and unitization), environmental and natural gas market issues.

He is a member of the Board of Trustees of the Energy and Mineral Law Foundation, serves as the General Counsel of the Ohio Oil and Gas Association, and is a past-Chair of the Ohio State Bar Association's Natural Resources Law Committee. 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.

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Webb I. Vorys
Vorys, Sater, Seymour and Pease LLP

Webb is a partner in the Vorys Columbus office, member of the firm's energy practice and head of its contracts and general business subgroup. He has extensive experience advising and assisting domestic and international clients with the structure, negotiation and documentation of purchases, sales, licenses and leases of real and personal property, including oil and gas, and matters involving most chapters of the Uniform Commercial Code (UCC). He also manages and works in the firm's oil and gas title opinion practice. Webb is a frequent speaker regarding issues relating to oil and gas development and contract law in general.

He is a member of the American Bar Association, the Ohio State Bar Association, the Columbus Bar Association and the Ohio Oil and Gas Association. He received his J.D. from The Ohio State University Michael E. Moritz College of Law where he was a member and the executive editor of the *Ohio State Law Journal* and a recipient of the Denis B. Eastman Memorial Award in 1985 for outstanding service to the *Journal*. He received his B.A. from Dartmouth College.

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“The Recent Employment Law Earthquake: What You Need to Know for the Year Ahead”

Sharon L. Gold
Wyatt, Tarrant & Combs, LLP

Sharon L. Gold is a Partner at Wyatt, Tarrant & Combs, LLP and a member of the firm's Litigation and Dispute Resolution team.

Ms. Gold represents employers in a variety of lawsuits and administrative proceedings brought by employees alleging Title VII, FMLA, ADA, ADEA, FLSA and state law claims. Ms. Gold also counsels employers on legal employment and wage and hour practices in order to prevent lawsuits. She provides internal training to employers, supervisors and employees about various employment law topics.

Ms. Gold is a frequent lecturer at national employment law and wage and hour conferences, including recently in NYC for ACI's 24th National Forum on Wage and Hour Claims and Class Actions where she spoke about “Avoiding the Pitfalls of State and Local Wage and Hour Laws.” She also authored a chapter entitled “Complying with Ever-Changing Employment Laws,

Regulations, and EEOC Guidance” in the book *Inside the Minds: The Impact of Recent Regulatory Developments in Employment Law*.

Ms. Gold graduated *magna cum laude* from the University of Kentucky College of Law in 2004, where she was the Notes Editor for the Kentucky Law Journal.

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“Access Rights from Start to Finish”

Kerry O. Irwin Dinsmore & Shohl LLP

Kerry O. Irwin is an Associate in the Business Acquisitions and Securities section of the Corporate department of Dinsmore & Shohl LLP in Lexington, Kentucky. A member of Dinsmore’s Natural Resources group, Ms. Irwin’s practice includes a focus on the mining and natural resources sectors. She regularly works with mining companies and investors on acquisitions and dispositions of mineral reserves, mining projects, permits and other assets, as well as project development and matters related to mine operations. Additionally, she counsels clients in the natural resources industry on all manners of contracts and agreements, including financing agreements, lease agreements, joint venture agreements and operating agreements. Ms. Irwin received her undergraduate degree from the University of Virginia, where she was a Jefferson and Echols Scholar, and her law degree from the University of Kentucky College of Law. Prior to joining Dinsmore & Shohl, Ms. Irwin served as Staff Attorney for the Honorable Judge Thomas D. Wingate in the Franklin Circuit Court.

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“Treatment of Leases, Contracts and Other Interests in Mineral Company Bankruptcy Cases”

Daniel I. Waxman Wyatt, Tarrant & Combs, LLP

Daniel Waxman is a partner in the Lexington, Kentucky office of Wyatt, Tarrant & Combs, LLP. Daniel is a member of the firm’s Bankruptcy & Creditors’ Rights Service Team and focuses his practice on in-court and out-of-court corporate restructurings, with an emphasis on the natural resources, banking, and gaming sectors. Daniel is the author of numerous legal publications, including *Shipping Coal Through Safe Harbors: Application of the Bankruptcy Code Safe Harbors to Coal Supply Agreements*, 53 Univ. Louisville L. Rev. 229 (2015).

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“Understanding the Potential Impact of Various Events in Coal Industry Bankruptcy Cases”

Adam R. Kegley
Frost Brown Todd LLC

Adam is a member of Frost Brown Todd LLC in Lexington, Kentucky, where he concentrates his practice on bankruptcy and restructuring, with an emphasis on natural resources and energy related matters. Adam represents corporate debtors, creditors, creditors' committees, and other various parties in interest in bankruptcy cases, restructurings, and out of court workouts. Adam also advises clients with respect to a variety of issues arising in the coal industry. Adam holds a B.A. and a J.D. from the University of Kentucky.

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“MSHA Document Requests During Investigations”

Mark E. Heath
Spilman Thomas & Battle, PLLC

Mark E. Heath is a member of Spilman Thomas & Battle, PLLC, in the Charleston, West Virginia office. He Co-Chairs the firm's OSHA and MSHA practice group and concentrates his practice in safety issues, litigation and labor and employment law.

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

He is listed in *The Best Lawyers in America*, 19th to 22nd and 23rd editions, in Energy Law and recognized by *Chambers USA: America's Leading Lawyers for Business* for Labor & Employment and Energy Law.

He serves on the safety committees of the Kentucky and West Virginia Coal Associations and the National Mining Association. Mr. Heath is also a Trustee of the Energy and Mineral Law Foundation and has served as Secretary, Treasurer and a member of the Executive Committee for the Foundation. He has been a frequent speaker at EMLF programs on Mine Safety Law, Annual Institutes and the fall Mineral Law Conference. He is also active in the American Bar Association, Occupational Safety and Health Law Committee, Section of Labor and Employment Law, and has moderated panel discussions and spoken at Midwinter Meetings.

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

Mr. Heath is a member of the bars of Kentucky and West Virginia. He is admitted to practice

before the Supreme Courts of West Virginia and Kentucky, various U.S. District Courts, as well as the United States Courts of Appeals for the Fourth and Sixth Circuits, and the U.S. Supreme Court.

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Jeffrey K. Phillips
Step toe & Johnson PLLC

Jeff Phillips joined Steptoe & Johnson in 1991. After working in the firm's Charleston, West Virginia, office for 18 years, Jeff moved to Kentucky where he became the managing member of Steptoe's Lexington office. Jeff balances a civil litigation caseload and an MSHA practice. He has tried cases to verdict for 25 years in federal and state courtrooms in West Virginia and Kentucky.

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

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

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